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CRL OP No. 9324 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9324 of 2026

Govindasamy

..Petitioner

Vs

State by Inspector of Police
AWPS Tambaram Police Station,
Crime No.50/2014.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in SC.No.152 of 2016 in Cr.No.50 of 2014 on Mahila Court, Chengalpet.

For Petitioner:

Mr.P. Suresh Kumar

For Respondent:

Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.11.2025 for the alleged offences under Sections 376 and 506(ii) of Indian Penal Code, 1860, in Crime No.50 of 2014 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was facing trial in S.C.No.152 of 2016 and due to his non-appearance, Non-Bailable Warrant was issued on 28.04.2025 and he was secured and remanded to judicial custody on



07.11.2025. It is alleged that the petitioner failed to appear before the Court which resulted in delay of trial.

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3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and his non-appearance was not willful but due to unavoidable medical circumstances. It is further submitted that the petitioner is a cardiac patient and has been undergoing continuous treatment and has already undergone angiography. The learned counsel would further submit that during trial, the petitioner even fainted inside the Court and was admitted in Government Stanley Medical College Hospital and requires continuous medical supervision. It is also submitted that at the relevant time, the petitioner was undergoing treatment at Port Blair and hence could not appear before the Court. The learned counsel would further submit that the petitioner has been in incarceration since 07.11.2025 and is ready to face trial and abide by any condition imposed by this Court. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to the absence of the petitioner, there was delay in conducting the trial. It is further submitted that the petitioner is facing serious charges under Sections 376 and 506(ii) of Indian Penal Code, 1860. At this juncture, the learned petitioner counsel submitted that the petitioner is a cardiac patient and has been taking treatment.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. Considering the submissions of the learned counsel appearing on either side, this Court is of the view that though the petitioner is facing serious charges and there was delay in trial due to his absence, it is seen that the petitioner is a cardiac patient and has been undergoing continuous medical treatment. Considering the medical records produced and on humanitarian grounds and the period of incarceration since 07.11.2025, this Court is inclined to enlarge the petitioner on bail with stringent conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned **Mahila Court, Chengalpattu**, and subject to the following conditions:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the Trial Court concerned daily at 10.30 a.m. until completion of the trial;



[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

1. The learned Mahila Court, Chengalpattu.
2. The Superintendent, Central Prison, Puzhal.
3. The Inspector of Police, AWPS Tambaram Police Station.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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