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CRL OP No. 11806 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.O.P.No.11806 of 2026

Sathish
S/o. Kothandan,

..Petitioner(s)

Vs.

The State of Tamil Nadu Rep.by
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.

..Respondent(s)

PRAYER: This Criminal Original Petition has been filed under Section 483 of BNSS Act, 2023, seeking to enlarge the petitioner on bail pending case before the Judicial Magistrate No.II, Kancheepuram case connected with PRC.No.18 of 2015 in Crime No.2 of 2012.

For Petitioner(s): Mr.M.Illiyas

For Respondent(s): Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.03.2026 for the alleged offence under Sections 147, 148, 294(b), 324, 302 of I.P.C. r/w. 149 of I.P.C. in P.R.C.No.18 of 2015 connected with Crime No.2 of 2012 on the file of the respondent police, seeks bail.



2. It is the case of the petitioner that due to his non appearance before the learned Judicial Magistrate No.II, Kancheepuram, a Non Bailable Warrant was issued against him on 14.07.2017 and he was arrested and remanded to judicial custody on 31.03.2026.

3. Learned counsel for the petitioner would submit that due to dispute between the rival groups, the petitioner was not able to appear before the Court. Hence, NBW was issued against him on 14.07.2017 and he was remanded to judicial custody on 31.03.2026. He would further submit that that the petitioner has been suffering incarceration for a period of 56 days and he is ready to cooperate with the investigation and he will appear before the respondent police regularly. Learned counsel would further contend that the petitioner is ready to abide by any condition that may be imposed on him by this Court.

4. Learned Government Advocate (Criminal Side) would oppose for the grant of bail on the ground that the case in PRC No.18 of 2015 was pending on the file of the learned Judicial Magistrate No.II, Kancheepuram for committal, due to non appearance of the petitioner / accused, the case against him was split up and Non Bailable Warrant was issued on 14.07.2017. The petitioner could be secured and remanded to judicial custody only after a period of nine (9) years. Hence he vehemently oppose for the grant of bail.



5. At this juncture, learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention is ready and willing to deposit an amount of Rs.50,000/- to any association. Hence, he prays for grant of bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case, the nature of the allegations and the submissions made by learned counsel on either side, and taking note of the period of incarceration undergone by the petitioner as well as the fact that the petitioner has volunteered to deposit a sum of Rs.50,000/- to the credit of the 'Tamil Nadu Advocates' Clerks Association, Chennai', this Court is inclined to grant bail to the petitioner subject to certain conditions.

8. The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the **Tamil Nadu Advocate Clerks Association, Chennai, Account No. 484026006, Branch: Indian Bank High Court, IFSC No.IDIB000M157** and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Kancheepuram** and on further conditions that:



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[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 respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[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 petitioner in accordance with law as if the conditions had been imposed and the petitioner 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 Judicial Magistrate No.II
Kancheepuram

2. The Superintendent
Central Prison
Puzhal

3. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.

4. The Public Prosecutor
High Court of Madras
Chennai 600 104.



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L.VICTORIA GOWRI, J.

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