



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE C.KUMARAPPAN

CRL OP No. 14788 of 2026

Moorthy @ Dhatchinamoorthi

..Petitioner(s)

Vs

State Rep By its,
Inspector of Police,
Hogenakkal Police Station,
Dharmapuri District,
Crime No.160/2018

..Respondent(s)

Criminal Original Petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to order enlarge the petitioner on bail in S.C.No.21/2024 on the file of the Principal District Judge at Dharmapuri.

For Petitioner(s): Mr.C.Deepak Kumar

For Respondent(s): Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.03.2025 following the execution of a Non-Bailable Warrant (NBW) issued on 17.02.2025 in S.C.No.21 of 2024 for the alleged offences punishable under Sections 212, 109, and 302 of the Indian Penal Code (IPC) on the file of the



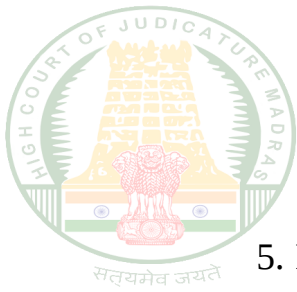
respondent police, seeks bail.

WEB COPY

2. The case of the prosecution is that the main case in S.C.No.21 of 2024 was posted for hearing on 17.02.2025. Due to the non-appearance of the petitioner before the Trial Court on the said date, a Non-Bailable Warrant was issued against him, pursuant to which he was subsequently arrested on 24.03.2025 and remanded to judicial custody. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner was originally enlarged on bail in this case and was regularly appearing before the Trial Court. He further submits that on 17.02.2025, the petitioner could not appear before the Trial Court due to his sudden ill health and was also unable to contact his counsel, which resulted in the issuance of the Non-Bailable Warrant. He states that the absence was neither willful nor intentional, and that the petitioner is willing to cooperate with the trial proceedings and abide by any stringent conditions.

4. The learned Government Counsel (Criminal Side) appearing for the respondent police opposes the grant of bail, citing the non-appearance of the petitioner. However, he fairly submits that the trial has not proceeded further primarily due to the absence of other co-accused persons, and that discharge applications filed by some of the accused are currently pending consideration.



WEB COPY

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

6. Considering the facts and circumstances of the case, particularly the fact that the petitioner was originally granted bail and had been appearing regularly before the Trial Court, and taking note of the explanation offered for his absence on 17.02.2025 due to ill health, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions to ensure his regular appearance.

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 each for a like sum to the satisfaction of the Principal District Judge, Dharmapuri, and subject to the following conditions:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Suretyship [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 on all working days until further orders, and shall ensure regular appearance for the progress of the trial;

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



WEB COPY



[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.

12-06-2026

Index: Yes/No

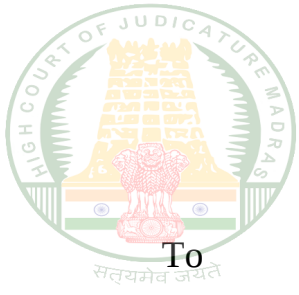
Speaking/Non-speaking order

Neutral Citation: Yes/No

Jeni

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

WEB COPY

- 1.The Principal District Judge, Dharmapuri.
- 2.The Superintendent, Central Prison, Salem.
- 3.The Inspector of Police, Hogenakkal Police Station, Dharmapuri District.
- 4.The Public Prosecutor, High Court of Madras, Chennai.



WEB COPY

CRL OP No. 14788 of 2



C.KUMARAPPAN, J.

Jeni

CRL OP No. 14788 of 2026

12-06-2026