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CRL OP No. 15778 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 15778 of 2026

Prabu

..Petitioner

Vs

State Rep. by
The Inspector of Police
Hogenakkal Police Station,
Dharmapuri District.
Crime No.160 of 2018

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in S.C.No.21 of 2024 on the file of the Principal District Judge, Dharmapuri in Crime No.160 of 2018 on the file of the respondent police.

For Petitioner:

Mr.W.Camyles Gandhi

For Respondent:

Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.03.2025 for the alleged offences under Sections 212, 109 and 302 of Indian Penal Code, 1860 in Crime No.160 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the defacto complainant's husband was running a fishing farm in his village. One Thangavel, who is a neighbour, was allegedly involved in illegal sand transportation from a lake and the same was informed by the defacto complainant's husband to the police. Owing to the previous enmity, Thangavel along with the petitioner and other accused allegedly attacked the defacto complainant's husband with aruval, causing injuries, and subsequently he succumbed to the injuries. Hence, the case was registered. The petitioner was arrested and later enlarged on bail. Thereafter, he regularly complied with the bail conditions. Subsequently, a charge sheet was filed in S.C.No.21 of 2024 and when the case was posted on 17.02.2025, the petitioner failed to appear and NBW was issued, which was executed on 24.03.2025. Since then, he is in custody.

3. The learned counsel appearing for the petitioner would submit that this is a case of jumped bail. NBW was issued and the petitioner was secured and remanded on 24.03.2025. It is further submitted that from 24.03.2025 onwards there has been no progress in the trial, which fact was not seriously disputed by the learned Government Advocate (Crl.Side). The learned counsel would further submit that the co-accused have already been enlarged on bail by this Court in Crl.O.P.No.14788 of 2026 dated 12.06.2026. Therefore, considering the long incarceration and absence of progress in trial, he prayed for grant of bail to the petitioner.

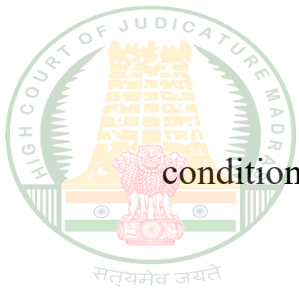


4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was earlier enlarged on bail and thereafter failed to appear before the trial Court, resulting in issuance of NBW. However, it is not seriously disputed that there has been no progress in the trial and the co-accused have already been released on bail.

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

6. From the submission of the learned counsel on either side, this Court is of the view that though the petitioner was secured pursuant to the NBW issued by the trial Court, it is seen that he has been in incarceration since 24.03.2025. It is also seen that there has been no progress in the trial and the co-accused have already been enlarged on bail by this Court in Crl.O.P.No.14788 of 2026 dated 12.06.2026. Taking into consideration the long period of incarceration and the absence of progress in trial, this Court is inclined to enlarge the petitioner on bail, subject to certain 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 **Principal District Judge, Dharmapuri**, and subject to the following



conditions:

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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 Trial Court concerned daily at 10.30 a.m. until further orders;**

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

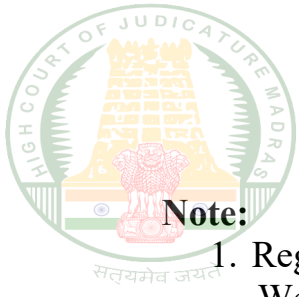
[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[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.

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



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C.KUMARAPPAN, J.

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