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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30658 of 2026

CNR: {HCMA012458692026}

Kathirvel
S/o.Balakrishnan,
Periya Kannalapatti Post,
Tirupattur Taluk,
Tirupattur District.

..Petitioner(s)

Vs

The State Rep.by, The Inspector of Police,
Kandili Police Station,
Tirupattur District.
Cr.No.153/2021.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in SC.No.104 of 2022 pending trial before the learned Principal District and Sessions Judge, at Tirupattur.

For Petitioner(s): Mr.R.Parthiban

For Respondent(s): Mr.M.M.I. Khaleel
Government Advocate (Crl.Side)

ORDER

The petitioner seeks bail in S.C.No.104 of 2022 in Crime No.153 of 2021, on the file of the respondent police for the offence under Sections 147, 294(b), 323, 354, 506(1), 302 of IPC and Section 4 of TNPHW Act r/w 34 of IPC. The

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petitioner has been remanded to judicial custody on 16.07.2026 on execution of NBW issued against him on 17.06.2025.

2. It is a case of jumped bail. The petitioner is facing trial in S.C.No.104 of 2022 on the file of the Principal District and Sessions Judge, Tirupattur District, for the offences under Sections 147, 294(b), 323, 354, 506(1), 302 of IPC and Section 4 of TNPHW Act r/w 34 of IPC. Since the petitioner did not appear before the Principal District and Sessions Judge, Tirupattur District, on 17.06.2025, the learned Sessions Judge issued Non Bailable Warrant against the petitioner and pursuant to which, the petitioner has approached this Court seeking for bail.

3. Learned counsel for the petitioner submitted that this is the second bail petition filed by the petitioner and that the previous bail petition was dismissed on the ground that sufficient reasons had not been stated for his non appearance before the Court for the past one year. It is now submitted by the learned counsel for the petitioner that, due to ill health, the petitioner did not appear before the Court on 17.06.2025 and thereby, the trial Court has issued NBW against him. Therefore, he prays for grant of bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that totally there are five accused in this case and the petitioner herein is arrayed as A2. He further submitted that the petitioner has been absconding from 17.06.2025 and due to his absence, there is no progress in the trial. He further submitted that the main case is posted for fixing of trial on 03.11.2026. Hence, he opposed to grant bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Considering the fact that bail had already been granted to the petitioner and thereafter NBW was issued and the same has been executed and considering the fact that after completion of investigation, charge sheet has been filed and also considering the period of incarceration already undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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 to the satisfaction of the **learned Principal District and Sessions Judge, Tirupattur,** and on further conditions

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that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety lhip [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 daily at 10.30 a.m., until further orders, without fail.

[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.

27-10-2026

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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 Principal District and Sessions Judge,
Tirupattur.

2. The Inspector of Police,
Kandili Police Station,
Tirupattur District.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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CRL OP No. 30658 of 2026

27-10-2026

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