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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30702 of 2026

Senthil Kumar,
S/o.Annamalai,
No.253, 14th Street,
Vengadachalam Nagar,
Thirumullaivoyal,
Tiruvallur District. ...Petitioner/Accused

Vs

The State Rep by:
The Inspector of Police,
T-3 Korattur Police Station,
Chennai District.
(Crime No.156 of 2022) ...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.156 of 2022, on the file of the respondent police.

For Petitioner(s): Mr.D.Karthik

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

ORDER

The petitioner seeks bail in S.C.No.18 of 2023 in Crime No.156 of 2022, on the file of the respondent police for the offences under Section 120(b) r/w 34, 294(b) r/w 34, 326 r/w 34, 364(A) r/w 34, 506(ii) r/w 34 of IPC and 61(2) r/w 3(5), 296(b) r/w 3(5) 118(2) r/w 3(5) 140(2) r/w 3(5) 351(3) r/w 3(5) of

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BNS, in Crime No.156 of 2022. The petitioner has been remanded to judicial custody on 31.08.2026 on execution of NBW issued against him.

2.Learned counsel for the petitioner submitted that the petitioner is facing trial in S.C.No.18 of 2023 pending on the file of the learned II Additional District and Sessions Judge, Tiruvallur at Poonamallee. Due to his non-appearance before the trial Court on 10.08.2026, a Non-Bailable Warrant was issued against him, and the same was executed on 01.09.2026. There is absolutely no reason stated for the petitioner's non-appearance on 10.08.2026 or on the subsequent dates till the execution of the Non-Bailable Warrant. Thereafter, the petitioner was remanded to judicial custody and has been in custody since then. He also submitted that the trial is in progress. He further submitted that the petitioner would undertake to appear regularly before the Trial Court on all hearing dates and is willing to comply with any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is facing trial in S.C.No.18 of 2023. Since the petitioner failed to appear before the trial Court, a NBW was issued against him on 10.08.2026, pursuant to which he was arrested and remanded to judicial custody on 31.08.2026. There is one previous case is pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

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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, the Non-Bailable Warrant issued against him was immediately executed, and the case has been pending since 2022 without the Court taking cognizance of the offence, coupled with the reason stated for his non-appearance before the Trial Court, 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 Additional District Judge No.II, Poonamallee**, and on further conditions 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 on everyday at 10.30 a.m., without fail;

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[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.

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To

1.The Additional District Judge No.II,
Poonamallee.

2. The Inspector of Police,
T-3 Korattur Police Station,
Chennai District.

3.The Superintendent,
Puzhal Central Prison-II.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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