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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31868 of 2026

CNR: {HCMA012576462026}

Sukumar
S/o Shanmugam,
Vairampatti, periyakottai post,
Sivagangai

Case QR

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Achirapakkam Police Station,
Chengalpattu.
(Crime.No.308 of 2022)

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner/Accused on bail concerned in PRC.No.22/2023 on the file of the JM-II, Madurantakam, chengalpattu district crime no.308/2022, Acharapakkam police, Chengalpattu district

For Petitioner(s): M/s.M.Mohanasundram

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

ORDER

The petitioner seeks bail in P.R.C.No.22 of 2023 in Crime No.308 of 2022, on the file of the respondent police for the offences under Sections 395, 397 of I.P.C. The petitioner has been remanded to judicial custody on 28.01.2026 on execution of NBW issued against him.

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2.Learned counsel for the petitioner submitted that the petitioner is facing trial in P.R.C.No.22 of 2023 on the file of the learned Judicial Magistrate, Madurantakam. Due to his non-appearance, a Non-Bailable Warrant was issued against him on 26.07.2023, and he was arrested on 27.01.2026. He further submitted that the petitioner was already in custody in another case and was arrested in the present case pursuant to a PT warrant. He further submitted that only based on the confession, his name was included and was unaware of the pendency of the case. Further, NBW was issued only after filing charge sheet. He further submitted that copies of the documents have not yet been furnished to the petitioner and the case has not progressed. 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 P.R.C.No.22 of 2023. Since the petitioner failed to appear before the trial Court, a NBW was issued against him on 26.07.2023, pursuant to which he was arrested and remanded to judicial custody on 27.01.2026. There are 19 previous cases are pending against the petitioner. Hence, he oppose for grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned

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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 at the P.R.C stage since 2023 without the Court taking cognizance of the offence, coupled with the reason stated for his nonappearance 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 II Judicial Magistrate, Madurantakam,** 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 everyday 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;

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[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.

03-11-2026

DRL

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,
Maduranthakam.
2. The Inspector of Police
Achirapakkam Police Station,
Chengalpattu.
3.The Superintendent, Central Prison,
Coimbatore.
4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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