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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32489 of 2026

Desingu,
S/o.Kuppusamy,
No.81, Singaravelar Nagar 2nd Street,
Royapuram, Chennai-600 013. ...Petitioner/Accused-2

Vs

The State rep by:
The Inspector of Police,
N4, Fishing Hourbar Police Station,
Chennai. ...Respondent/Complainant
Crime No.244 of 2009

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned in S.C.No.224 of 2018 pending on the file of the respondent.

For Petitioner(s): Mr.Jai Sangar E

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

ORDER

The petitioner seeks bail in S.C.No.124 of 2018 in Crime No.244 of 2009, on the file of the respondent police for the offences under Section 399 and 402 of IPC. The petitioner has been remanded to judicial custody on 21.09.2026 on execution of NBW issued against him.

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2.The learned counsel for the petitioner submitted that the main robbery case in Crime No.244 of 2009, in S.C.No.124 of 2018, is pending on the file of the X Additional Court (FAC), City Civil Court, Chennai. Due to the petitioner's non-appearance, a Non-Bailable Warrant was issued against him on 18.09.2026. He further submitted that the petitioner voluntarily surrendered before the trial Court on 21.09.2026 and filed a petition to recall the warrant, which was dismissed, pursuant to which he was remanded to judicial custody. 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.124 of 2018. Since the petitioner failed to appear before the trial Court, a NBW was issued against him on 18.09.2026, pursuant to which he was arrested and remanded to judicial custody on 21.09.2026. There is 22 previous cases are pending against the petitioner. Hence, he opposed for grant of 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.

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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 2009 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 XV Metropolitan Magistrate Court, George Town**, 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;

[c] Considering the fact that the case in Crime No.244 of 2009 pertains to the year 2009, the trial Court is directed to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of this order;

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

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

[f] 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];***

[g] 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 XV Metropolitan Magistrate
Court, George Town

2. The Inspector of Police,
N4, Fishing Hourbar Police Station,
Chennai.

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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