WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.35021 of 2026

CNR: {HCMA012816962026}

Mohan @ Mohanasundaram

..Petitioner

Vs

Case QR

State Rep by Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai District.
Crime No.52 of 2021

..Respondent

PRAYER: To enlarge the petitioner on bail, in S.C.No.597 of 2026 in Crime No.52 of 2021 pending on the file of before this Court and thus render Justice.

For Petitioner : Mr.A.Samson

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.10.2026 pursuant to the execution of a Non Bailable Warrant issued against him in S.C.No.597 of 2025 on the file of the Trial Court, arising out of Crime No.52 of 2021 on the file of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 392, 397 and 506(ii) of the Indian Penal Code, seeks bail.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

2. The case of the prosecution is that the investigation in Crime No.52 of 2021 was completed, the charge sheet was filed, and the case was committed and taken on file in S.C.No.597 of 2026. During the pendency of the trial, the petitioner failed to appear before the Trial Court on 06.10.2026, pursuant to which a Non Bailable Warrant was issued against him. The said warrant was executed on 29.10.2026, and the petitioner was remanded to judicial custody.

3. The learned counsel appearing for the petitioner submitted that the petitioner was regularly attending the Court proceedings, and that on 06.10.2026, he was not well and therefore could not appear before the Trial Court. He submitted that the non appearance of the petitioner was neither wilful nor wanton, and that the petitioner has been languishing in judicial custody since 29.10.2026. He further submitted that the case is now posted for the next hearing on 08.12.2026 and that the petitioner undertakes to appear regularly on all future hearing dates without fail, and therefore prayed for the grant of bail.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail and submitted that the petitioner is a habitual offender having 26 previous cases to his credit, out of which two cases are for the offence under Section 302 of IPC and eight cases are for the offence under Section 307 of IPC. He further submitted that the investigation is completed, the case is pending trial in S.C.No.597 of 2026 wherein there are totally 8 witnesses to be examined, and the next hearing date

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

is fixed on 08.12.2026. He apprehended that if released on bail, the petitioner may again abscond and protract the trial.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Taking into consideration the fact that the petitioner was originally enlarged on bail, that his absence on 06.10.2026 was stated to be due to ill health, that the investigation has already been completed and the case is pending trial in S.C.No.597 of 2026 with 8 witnesses to be examined, and considering the period of incarceration undergone by the petitioner since 29.10.2026, this Court is inclined to grant bail to the petitioner despite the pendency of previous cases against him.

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,** each for a like sum to the satisfaction of the **learned XV Additional District Sessions Judge, Chennai,** and on further conditions that:

> [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 his identity;

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

[b] the petitioner shall report before the Trial Court on all working days at 10.30 a.m. for a period of one week and thereafter, on all hearing dates 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 pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

26.11.2026

kmm

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.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

To

1. The Inspector of Police,
   H-6, R.K.Nagar Police Station,
   Chennai District.

2. The XV Additional District Sessions Judge, Chennai.

3. The Superintendent,
   Central Prison, Puzhal-II.

4. The Public Prosecutor,
   Madras High Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

N.RAMESH

kmm

CRL.O.P.No.35021 of 2026

26.11.2026

https://www.mhc.tn.gov.in/judis