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Crl.M.P.Nos.23672 and 23674 of 2025 in Crl.O.P.No.19027 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

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THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.M.P.Nos.23672 and 23674 of 2025 in
Crl.O.P.No.19027 of 2025

Crl.M.P.No.23672 of 2025:

Alex Pandian

... Petitioner

Vs.

1.R.Mary Asha

2.The State represented by,
The Inspector of Police,
All Women Police Station,
Virugambakkam, Chennai-600 092.
(Crime No.10 of 2025)

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita Act, 2023, to modify the order dated 25.11.2025 passed in Crl.M.P.No.22280 of 2025 in Crl.O.P.No.19027 of 2025.

For Petitioner	: Mr.R.Shunmugasundaram, Senior Advocate For M/s. Om Sai Ram
For R1	: Mr.A.Ashwinkumar
For R2	: Ms.J.R.Archana Government Advocate (Crl.Side)

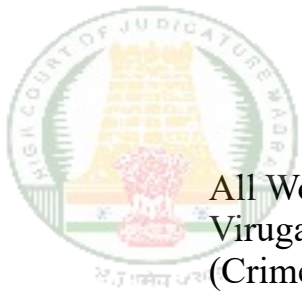
Crl.M.P.No.23674 of 2025:

Alex Pandian

... Petitioner

Vs.

1.The State represented by,
The Inspector of Police,



All Women Police Station,
Virugambakkam, Chennai-600 092.
(Crime No.10 of 2025)

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2.R.Mary Asha

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita Act, 2023, to modify the condition No.'d' passed in Crl.O.P.No.19027 of 2025.

For Petitioner	: Mr.R.Shunmugasundaram, Senior Advocate For M/s. Om Sai Ram
For R1	: Ms.J.R.Archana Government Advocate (Crl.Side)
For R2	: Mr.A.Ashwinkumar

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the bail petitioner in Crl.O.P.No.19027 of 2025 seeking modification of the order cancelling the bail/surety action ordered by this Court in Crl.M.P.No.22280 of 2025 vide order dated 25.11.2025.

2. Originally, the bail petitioner herein was granted anticipatory bail by this Court vide order dated 28.08.2025 in Crl.O.P.Nos.19027 and 19549 of 2025 with the following conditions:

“9 (c) the petitioner is directed to return to India on or before 15.09.2025 and report to the respondent police immediately after landing, and thereafter report before the respondent police daily at 10.30 a.m., until further orders;



(d) the petitioner shall not leave India without the prior permission of this Court.”

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3. Subsequent to the anticipatory bail order, the bail petitioner has executed the sureties and complied the condition No.'c"; and that he has also filed a petition for relaxation of the said condition. Accordingly, the same was also ordered vide order dated 15.10.2025 in Crl.M.P.Nos.19017 and 19018 of 2025. Thereafter, the bail petitioner has left India without seeking prior permission of this Court as ordered by this Court in para 9 (d) stated above.

4. The learned counsel for the bail petitioner submitted that the bail petitioner has filed a quash petition before this Court in Crl.O.P.No.26260 of 2025, wherein an interim order dated 23.09.2025 has been passed staying the trial proceedings in P.R.C.No.147 of 2025. Since the entire trial proceedings has been stayed, the bail petitioner herein had left the Country to eke out his livelihood. He further submitted that it is not a case of leaving the country to flee away the justice. Now the bail petitioner has returned back to India after this Court passed an order in Crl.M.P.No.22280 of 2025, dated 25.11.2025, which directed initiation of surety action to secure his presence for trial process. Since the bail petitioner is now available in India and further the trial process has also been stayed, no purpose would be served by remanding him in



custody and that he undertakes that he would appear before the trial Court on all hearing dates. Hence, prays to modify the order passed by this Court directing the surety action.

5. The learned counsel for the intervenor submitted that this is not a simple case of violation of the anticipatory bail condition; rather, the bail petitioner deliberately left the Country having fully well aware that there is an order against him prohibiting him from leaving the Country without prior permission of the Court. The learned counsel has also relied on the order passed by this Court in Crl.O.P.No.26260 of 2025 in Crl.M.P.No.17881 of 2025 vide order dated 23.09.2025, wherein, this Court, while hearing the quash petition, has separately requested the Court, which deals with the matters relating to cancellation of bail, proceeds independently without reference to the interim order passed in the quash petition. He further submitted that since the bail petitioner has violated the anticipatory bail conditions, surety action has already been initiated against him for the purpose of cancelling the bail, there is no need to modify the order. Further, once this Court passed an order for cancellation of bail, it would not be appropriate to modify the same.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent /State.



7. I have considered the submissions made on both sides and also perused the materials available on record.

8. This Court, vide order dated 25.11.2025 in Crl.M.P.No.22280 of 2025 in Crl.O.P.No.19027 of 2025 has passed the following order:

“3.Considering the conduct of the petitioner that he left India after executing sureties and since it is not easily possible to serve notice on the bail petitioner, this Court directs the concerned Magistrate to take surety proceedings in this regard for the purpose of ensuring the appearance of bail petitioner, after issuing notice to the sureties in accordance with law, and thereafter to pass suitable orders for cancellation of bail if necessary.”

The order passed by this Court is to the effect that ensuring the appearance of the bail petitioner before the Trial Court and further it was a direction of this Court to the trial Court to consider and pass suitable orders for cancellation of bail, if necessary.

9. The object behind securing the bail from an accused person is to ensure their appearance before the Trial Court and to proceed with the trial process. In the present case, earlier the bail petitioner, without obtaining the permission from this Court, has left the Country. Hence, this Court directed the



trial Court to initiate surety proceedings to secure the presence of the accused/bail petitioner before the trial Court. Now, it is stated that the bail petitioner has returned to India and he undertakes to appear before the concerned Court.

10. Considering the present facts and circumstances, I am of the view that since the bail petitioner has returned to India and is ready to appear before the trial Court, I am of the view that continuance of the surety proceedings at this point of time is not necessary. It would suffice, if the bail petitioner is appeared and intimated the trial Court that he has returned to India, and the bail petitioner shall appear regularly before the trial Court. For this purpose, the petitioner is directed to file a separate memo, indicating his presence before the trial Court and on appearance of the petitioner and filing of memo, the concerned Court is directed to drop the surety action.

11. With the above observations, these Criminal Miscellaneous Petitions stands disposed of.

06.02.2026

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To:

1.The Inspector of Police,
All Women Police Station,
Virugambakkam, Chennai-600 092

2.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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