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(2025) 11 MAD CK 0031

Madras HC

Case No: Criminal Original Petition No. 30460 Of 2025

Marimuthu

APPELLANT

Vs

State

RESPONDENT

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**Date of Decision:** Nov. 7, 2025

**Acts Referred:**

- Indian Penal Code, 1860-Section 120(B), 147, 148, 149, 201, 302
- Bharatiya Nyaya Sanhita, 2023-Section 269

**Hon'ble Judges:** K. Rajasekar, J

**Bench:** Single Bench

**Advocate:** K. Yuvaraja, A. Gopinath

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### Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 16.04.2025 based on execution of PT Warrant dated 01.02.2025 in S.C.No.157 of 2024 on the file of the Additional District Judge, FTC, Vellore for the offences punishable under Sections 302, 201, 147, 148, 120(B) r/w 149 of IPC, seeks bail.

2. The allegation against this petitioner is that, he was earlier arrested and released on bail, subsequently jumped bail on 01.02.2025; that thereafter, on the basis of PT Warrant, the petitioner was produced before the concerned Magistrate and remanded in this case on 16.04.2025.

3. The learned counsel appearing for the petitioner submitted that, the petitioner was convicted on 10.08.2024 in C.C.No.819 of 2023 by the learned Judicial Magistrate No.II, Poonamallee and serving sentence in the said case from 10.08.2024 and therefore, the petitioner was unable to attend the Trial Court hearing on 01.02.2025 in this case, hence a NBW was issued against the petitioner. He further submitted that the petitioner had filed a petition for suspension of sentence and was able to obtain the order only in the month of June 2025, however, the petitioner was remanded in this case on 16.04.2025. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner submitted that the petitioner was on bail earlier, since he has not appeared before the Trial Court during the pendency of the trial, a NBW was issued and subsequently, he was arrested. He further submitted that the petitioner has five previous cases; that the case is posted on 14.11.2025 for engaging the

counsel and the trial is progressing.

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

6. Considering the facts and submissions made on both sides, the fact that the petitioner was already in prison while issuance of NBW by the Trial Court, the trial has commenced and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge, FTC, Vellore 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 their identity;

[b] the petitioner shall appear before the Trial Court concerned daily at 10:30 a.m., for a period of three weeks and thereafter, on all the hearing dates without fail;

[c] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall make himself available for interrogation by a Police officer as and when required;

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

[f] 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];

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