

**(2025) 12 MAD CK 0025**

**Madras HC**

**Case No:** Criminal Original Petition No. 33518 Of 2025

Rajasekar @ Rajesh

APPELLANT

Vs

State

RESPONDENT

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**Date of Decision:** Dec. 8, 2025

**Acts Referred:**

- Indian Penal Code, 1860-Section 399
- Bharatiya Nyaya Sanhita, 2023-Section 269

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

**Bench:** Single Bench

**Advocate:** S.Karthick, A.Gopinath

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### **Judgement**

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 11.11.2025, for the offence under Section 399 of IPC in Crime No.244 of 2009, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner was earlier arrested and released on bail. Subsequently, due to health issue, the petitioner did not appear before the concerned trial Court, and hence Non-Bailable Warrant (NBW) was issued against him on 01.09.2025, and the same was executed on 11.11.2025.

3. Learned counsel appearing for the petitioner submitted that the petitioner voluntarily surrendered before the Trial Court on 11.11.2025 and that his recall petition was dismissed, resulting in his remand. He further submitted that though it is stated that the petitioner had earlier jumped bail, during the period when the NBW was issued, the petitioner was in prison in connection with another case. He further submitted that he was not aware and no intimation was given regarding his arrest in the other case, and therefore he could not appear before the Trial Court, hence NBW was issued in the present case. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that the petitioner failed to appear before the concerned Court on 01.09.2025, pursuant to which a NBW was issued against him. He further submitted that the petitioner has seven previous cases pending against him. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, the fact that the petitioner was voluntarily surrendered on 11.11.2025 and though it is stated that the petitioner is having previous cases, it is also stated another accused in this case is still absconding, 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, for a like sum to the satisfaction of the learned X Additional District and Sessions Judge, Chennai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Trial Court daily at 10.30 a.m., for a period of three weeks, except on the dates on which he is required to appear before any other Court in connection with another case.

[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 aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

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