

**IN THE COURT OF I ADDITIONAL DISTRICT & SESSIONS JUDGE,
CUDDALORE.**

Present : **Tmt.G.Saraswathi, M.L,**
I Additional District & Sessions Judge,
Cuddalore.

Thursday, the 30th day of July 2026

M.P.Nos.4, 5 & 6 of 2026 in

M.P.Nos.2 & 3 of 2026 in S.C.No.75 of 2025

(CNR No. TNCD01 – 002864 – 2025)

M.P.No.4 of 2026 :

State of Tamil Nadu represented by
The Station House Officer,
Cuddalore New Town Police Station
Crime No.35 of 2025
S.C.No.75 of 2025

... Petitioner / Respondent /
Complainant

-Vs-

Balaji (age-26)
S/o.Jayabal,
No.115, Mariyamman Koil Street,
Manjakuppam, Cuddalore District.

... Respondent / Petitioner /
Accused

M.P.Nos 5 & 6 of 2026 :

Balaji (age-26)
S/o.Jayabal,
No.115, Mariyamman Koil Street,
Manjakuppam, Cuddalore District.

... Petitioner / Accused

-Vs-

State of Tamil Nadu represented by
The Station House Officer,
Cuddalore New Town Police Station
Crime No.35 of 2025
S.C.No.75 of 2025

... Respondent / Complainant

These petitions were filed on 08.07.2026, 30.07.2026 and 30.07.2026 respectively came up before me for final hearing on today. On the side of the

Complainant, the Station House Officer of Cuddalore New Town Police Station was heard and the Learned Legal Aid Defence Counsel Mr.R.Bhagyaraj appeared for Accused was heard on those petitions and upon hearing both sides and upon perusing the records, today this Court passed the following:

COMMON ORDER

M.P.No.4 of 2026 :

This Petition was filed by the Station House Officer, Cuddalore New Town Police Station under Section 483(2) of BNSS, seeking to cancel the bail granted to the Respondent / Accused in M.P.No.2 of 2026, dated 05.03.2026.

M.P.No.5 of 2026 :

This Petition was filed by Petitioner / Accused under Section 72(2) of BNSS, seeking to recall Non bailable the warrant pending against the petitioner and thus render justice.

M.P.No.6 of 2026 :

This Surrender Petition was filed by Petitioner / Accused, seeking to accept the surrender and thus render justice.

2. The brief averments in the cancellation of bail petition in M.P.No.4 of 2026 as follows:-

2.1 Based on the complaint lodged by the Defacto Complainant before the Cuddalore New Town Police Station in respect of the occurrence dated 25.01.2025, the police registered a case against the accused for the offences punishable under Sections 296(b), 351(3) and 103 of BNS, and thereafter traced

and arrested the accused. The accused was produced before the Judicial Magistrate No.II Court, Cuddalore, and remanded to judicial custody. Subsequently, the accused was released on own bail; however, failed to produce the surety before this Court and has remained absconding, having failed to appear before the Court since the very first date of hearing. Consequently, a Non-Bailable Warrant was issued against the accused on 27.05.2025 and remained pending. During the course of execution of the warrant, a special police team was constituted, and the accused, who was found at Jaipur, Rajasthan, was apprehended and arrested. Thereafter, the accused was produced before the Judicial Magistrate No.II Court, Cuddalore on 11.08.2025, remanded to judicial custody, and confined in the Central Prison, Cuddalore.

2.2 Subsequently, the accused filed a bail petition in M.P. No.2 of 2026 before this Court, which was presented on 03.03.2026, and the same was granted by this Court on 05.03.2026 with condition that the accused should execute a bond for a sum of Rs.25,000/- with two blood-relative sureties before the Court and directed the accused to appear and sign before this Court, Cuddalore, at 10.00 a.m. on all working day until further orders. In compliance with the said order, dated 06.04.2026, on the side of accused produced one blood surety as his mother, Tmt.Rajeswari, W/o. Jayapal. Subsequently, another Modification Petition in M.P. No.3 of 2026 was filed by the accused on 16.06.2026, and by order dated 30.06.2026, this Court modified the earlier condition by directing that one blood-relative surety and one solvent surety would suffice in place of two blood-relative

sureties. Pursuant to the modified order, dated 01.07.2026, on the side of accused produced one Mr.Panneer, S/o.Muniyan, who is not a blood relative of the accused, as the solvent surety.

2.3 The accused was released from the Central Prison, Cuddalore, on 01.07.2026 and was required, in terms of the bail order, to appear before the Court and sign from 02.07.2026 onwards on every working day. However, the accused has failed to appear before the Court and has not complied with the bail conditions till date, thereby willfully violating the order passed by this Court in M.P. No. 2 of 2026 dated 05.03.2026. Having once again absconded and repeated the very same conduct, the accused has abused the concession of bail. Hence, it has become necessary and just that the bail granted to the accused be cancelled.

3. The averments of Petition in M.P.No.5 of 2026 as follows :

The petitioner / Accused Balaji, S/o.Jayabal is voluntarily surrendering before this Court today for an alleged offence U/s.296(b), 103, 351(3) of BNS. This Court was issued NBW against the petitioner on 09.06.2026. The petitioner / Accused was not able to attend this Court on 09.06.2026 due to accident and his absence was neither willful nor wanton. Hence, this petition.

4. The averments of Petition in M.P.No.6 of 2026 as follows :

The petitioner / Accused Balaji, S/o.Jayabal is voluntarily surrendering before this Court today for an alleged offence U/s.296(b), 103, 351(3) of BNS. This Court was issued NBW against the petitioner on 09.06.2026. Hence, prayed to accept the surrender of Accused.

5. The Counter filed by the Accused in brief as follows (M.P.No.4 of 2026):

The averments made in the petition filed by the petitioner are false, untenable and not maintainable either on facts or in law. It is stated that immediately after the respondent/accused was released from prison on 01.07.2026, while proceeding near Anna Bridge, Thiruppapuliur, on the same night, he met with a road traffic accident after being hit by an unidentified vehicle and sustained injuries in the said accident, the respondent has been undergoing medical treatment and has been confined to his residence on account of his ill-health. The respondent did not willfully or deliberately fail to appear before this Court, and his non-appearance was neither intentional nor deliberate, but was solely due to the injuries sustained in the said accident. Hence, prayed for dismissal.

6. Point for consideration:

Whether these petitions are to be allowed or not?

7. Discussion on the point:

7.1 Heard both sides. Perused the records. The present petition has been filed by the Station House Officer, Cuddalore New Town Police Station under Section 483(2) of BNSS seeking cancellation of bail granted to the Accused in M.P.No.2 of 2026 dated 05.03.2026. It is an admitted fact that this Court had granted bail to the Accused with a specific condition to appear and sign before this Court on all working days at 10.00 a.m. until further orders. The Accused, after being released from Central Prison, Cuddalore on 01.07.2026, failed to appear before this Court

from 02.07.2026 onwards and thereby violated the condition imposed by this Court.

7.2 On 09.07.2026, this Court issued a Non-Bailable Warrant against the Accused for his absence. On the same day, the Station House Officer, Cuddalore New Town Police Station, filed the present petition for cancellation of bail, and this Court issued a show cause notice to the Accused, calling upon him to offer his explanation with regard to the grounds raised in the petition. Pursuant to the said notice, the Accused surrendered and filed recall and also filed his counter, the Accused would contend that due to the road traffic accident occurred after his release, he was undergoing treatment and was unable to appear before this Court. However, except the said contention, no medical records, treatment documents or any other supporting materials have been produced before this Court to prove the alleged accident and treatment. Hence, the said explanation offered by the accused cannot be accepted.

7.3 Despite granting bail with conditions, the accused has once again failed to comply with the conditions imposed by this Court. It is also seen that the trial in S.C.No.75 of 2025 has reached the final stage. The prosecution witnesses have already been examined, statement of the accused has been recorded and the case is now pending for arguments on the side of the prosecution. At this stage, the absence of the accused would affect the further proceedings of the case.

7.4 Considering the conduct of the Accused, his failure to comply with the bail condition imposed by this Court and his inability to substantiate the reason for his

non-appearance with any acceptable material, this Court is of the considered view that the accused has misused the concession of bail granted to him. Therefore, the bail granted to the Accused cannot be continued and the same is liable to be cancelled for the proper and effective completion of the trial.

M.P.No.4 of 2026 :

In the result, the petition is allowed and the bail granted to the Accused in M.P.No.2 of 2026 dated 05.03.2026 is hereby cancelled.

M.P.No.5 of 2026 :

In the result, this petition is dismissed.

M.P.No.6 of 2026 :

In the result, surrender accepted, this petition is allowed.

Dictated to the steno-typist, taken down and transcribed by her, corrected and pronounced by me in open court, this the 30th day of July 2026.

I Additional District and Sessions Judge,
Cuddalore.

Copy to :

1. The SHO, New Town Police Station.
2. Mr.R.Bagyaraj, Legal Aid Defence Counsel for Respondent/Accused.