

In the Court of Principal Sessions Judge, Kanniyakumari District at  
Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,  
Principal Sessions Judge.

Thursday, the 12<sup>th</sup> day of March, 2026.

CrI.M.P. No. 752/2026

(CNR.No.TNKK01-001062-2026)

Pravin Raj (A2)

S/o. Sundarraaj

.. Petitioner

/Vs./

The State of Tamil Nadu,

Through the Inspector of Police,

Puthukadai Police Station,

Crime No. 429/2017 of Puthukadai Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru G. Lal, u/s 483 of  
BNSS, praying to grant bail to the petitioner.

ORDER

Heard both side. Perused the petition.

2. The petitioner/accused is alleged to have committed the offence u/s 420 of IPC.

3. The learned counsel for the petitioner submitted that the case has been charge sheeted and taken on file as CC No. 127/2018 pending on the file of Judicial Magistrate Court No.II, Kuzhithurai and on 29.08.2025, when the case was posted for appearance, he failed to appear and the learned Judicial Magistrate issued Non Bailable Warrant against the petitioner and he was arrested by the police on 14.01.2026 and the earlier bail applications in CrI.M.P.Nos. 57/2026, 111/2026 and 149/2026 were dismissed by the Judicial Magistrate No.II, Kuzhithurai on 23.01.2026, 05.02.2026 and 11.02.2026 respectively and the petitioner is innocent and for the past more than 50 days, he is under judicial custody and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

4. The learned Public Prosecutor opposed the application and submitted that the petitioner is A2 in CC No.127/2018 on the file of the Judicial Magistrate Court No.II, Kuzhithurai. The learned Judicial Magistrate issued Non Bailable Warrant against the petitioner on 29.08.2025 and on execution of warrant, he was arrested by the police on 14.01.2026

and the learned Judicial Magistrate followed the guidelines laid down in the Pillappan Judgment and now the case stands posted on 17.03.2026 for examination of witnesses and if the petitioner is released on bail, definitely he will abscond and let him face trial from prison and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

5. Report received from the Judicial Magistrate No.II, Kuzhithurai. A perusal of report shows that the case was taken on file in the year 2018 and the petitioner received summons and appeared on 14.07.2025 and thereafter, copies of the case documents were furnished to him and several adjournments were granted for the purpose of framing charges, but he failed to appear before the court and a warrant was issued against him on 21.08.2025 and he was arrested on 14.01.2026 and followed the direction in Pillappan @ Ravi Kumar @ State and the accused remanded to judicial custody. The case is pending for more than seven years and now the case was posted on 17.03.2026 for examination of witnesses.

6. Perused the report received from the learned Judicial Magistrate No.II, Kuzhithurai. A perusal of report shows that the learned Judicial Magistrate has recording the reasons stated by the petitioner for his non appearance as required under *Pillappan /Vs./ State* reported as **2018(1) L.W. (Crl.) 740**. The petitioner has been remanded invoking Section 309

Cr.P.C., As observed by the Hon'ble High Court in Pillappan /Vs./ State, the court, while considering the bail application of such a person, is expected to consider not only the usual parameters of the grant of bail, but also the additional factor namely the abscondance earlier. It is true that the petitioner had absconded leading to issuance of NBW and consequently delaying the framing of charges. Now the case stands posted for examination of witnesses. However, considering the reasons stated by the petitioner for his non appearance and also considering the period of incarceration of the petitioner/accused i.e for the past 57 days, this court is inclined to grant bail to the petitioner/accused with conditions.

7. In the result, the petitioner/accused is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Judicial Magistrate No.II, Kuzhithurai and after release the petitioner shall appear and sign before the Judicial Magistrate No.II, Kuzhithurai daily at 10.30 A.M. until further orders and accordingly this petition is allowed.

If there is any violation of condition, the Investigation Officer is with in his discretion to approach the court of the learned Judicial Magistrate for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in

**P.K.Shaji /Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in open court this the 12<sup>th</sup> day of March, 2026.

Principal Sessions Judge,  
Kanniyakumari at Nagercoil.

To

The Judicial Magistrate No.II, Kuzhithurai.

(through e-mode).

The Secretary, District Legal Services Authority, Nagercoil.

(through e-Mode)

The Inspector of Police, Puthukadai Police Station.

(through court cell e-Mode)

The Superintendent, District Jail, Nagercoil. (through e-Mode)

The learned counsel for the petitioner.