

IN THE COURT OF THE I-ADDITIONAL DISTRICT AND SESSIONS
JUDGE AT TIRUVALLUR

Present: Tmt.S.TASNEEM, M.L.,
I-Additional District and Sessions Judge
Tiruvallur.

Friday, 24th day of July - 2026

C. M. P. No. 2762 of 2026

in

S. C. No. 654 of 2025

**(On the file of T11-Thirunindravur Police Station, Pattabiram Sub Division,
Avadi Commissionerate)**

Joseph Devakumar, Male/Aged-39years,
S/o.Yesa,
No.20, 2nd Main Road,
Thiruvengadam Nagar,
Thirunindravur.

.....Petitioner/Accused

-//Vs//-

State Represented by,
The Inspector of Police,
T 11- Thirunindravur Police Station,
Pattabiram Sub -Division,
Avadi Commissionerate.
(Crime No. 76 of 2023)

....Respondent/Complainant

PETITION FOR BAIL U/S 483 BNSS

This Second Bail Petition coming on this day for final hearing in the presence of M/s D. Lemuvel, C. Murugan, R. Hariharan Counsel for the Petitioner/Accused and the Additional Public prosecutor Mr.C.Ravichandran for the Respondent/Complainant appeared and perusing the records and upon hearing both sides, and having stood over for consideration, this court delivered the following:

ORDER

The petitioner was remanded to Judicial Custody on 13.10.2025 for the alleged offences under Section 392 of IPC r/w Sec 397 of IPC in Cr.No.76/2023 on the file of T11-Thirunindravur Police Station in S.C.No.654/2025 on the file of this Court.

2. PETITION IN BRIEF:-

2.1. The petitioner/accused has filed the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with Crime No.76 of 2023 of Thirunindravur Police Station for the offences punishable under Sections 392 and 397 IPC, now pending as S.C. No.654 of 2025 before this Court. The petitioner submits that he was arrested and remanded to judicial custody on 13.10.2025. He claims that he is innocent, has been falsely implicated in the case and has not committed the alleged offences. The case is now pending before this Court for trial. *The petitioner further submits that this is the second bail petition before this Court, as the earlier bail petition in Crl.M.P. No.2085 of 2026 was dismissed on 17.06.2026.* He has not approached the Hon'ble High Court for regular bail. It is further submitted that the brother of the detenu filed H.C.P. No.338 of 2026 before the Hon'ble High Court of Madras, and the said Habeas Corpus Petition was allowed by order dated 08.07.2026, which is relied upon by the petitioner as a subsequent development in support of the present bail petition. The petitioner expresses his willingness to furnish sufficient sureties and to abide by any condition that may be imposed by this Court. Hence, he prays that he may be enlarged on bail.

3. OBJECTION FILED BY THE SPECIAL PUBLIC PROSECUTOR:-

3.1. The learned Additional Public Prosecutor submitted that a Non-Bailable Warrant (NBW) had been issued by the Judicial Magistrate No. II, Tiruvallur, against the accused to secure his appearance before this Court. The accused had already been remanded in connection with Crime No.500 of 2025 on the file of T11 Thiruninravur Police Station for offences punishable under Sections 126(2), 296(b), 115(2), 311, 125, 324(4), and 351(3) of the Bharatiya Nyaya Sanhita, 2023. Subsequently, on 13.10.2025, he was secured under a Prisoner Transit (PT) Warrant and produced before the competent Court. Thereafter, the accused was remanded to judicial custody on 13.10.2025. The learned Public Prosecutor strongly opposed the grant of bail on the ground that the accused is involved in eight previous criminal cases and is presently detained under the provisions of the Tamil Nadu Act 14 of 1982 (Goondas Act). It was further contended that, if released on bail, the accused is likely to abscond. Hence, the petition is liable to be dismissed.

4. POINTS FOR CONSIDERATION:-

Whether the petitioner/accused is entitled to be enlarged on bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in S.C. No.654 of 2025, in the facts and circumstances of the case?

5. DISCUSSION

5.1. Heard Both Sides. The petition, the objections raised by the prosecution and the material records were perused.

5.2. The petitioner seeks bail in respect of the offences punishable under Sections 392 and 397 IPC. It is seen from the records that the petitioner was secured

under a Prisoner Transit Warrant and remanded to judicial custody on 13.10.2025. The investigation has been completed and the final report has been filed. The case has already been committed to this Court and taken on file as S.C. No.654 of 2025. Therefore, the custodial interrogation of the petitioner is no longer required.

5.3. The learned Additional Public Prosecutor opposed the petition on the ground that the petitioner is involved in **eight previous criminal cases and is also detained under the provisions of the Tamil Nadu Act 14 of 1982**. It is further submitted that if the petitioner is released on bail, he is likely to abscond and may interfere with the trial.

5.4. On the other hand, the learned counsel for the petitioner submitted that the petitioner has been in judicial custody for a considerable period and that the trial is yet to commence. *It is also brought to the notice of this Court that the Hon'ble High Court of Madras, by order dated 08.07.2026 in H.C.P. No.338 of 2026, allowed the Habeas Corpus Petition filed on behalf of the detenu.* The said order constitutes a subsequent circumstance which can be taken into consideration while deciding the present bail petition.

5.5. *It is well settled that the object of bail is to secure the attendance of the accused during trial and not to punish him before his guilt is established. In Sanjay Chandra ..vs.. CBI, (2012) 1 SCC 40, the Hon'ble Supreme Court held that deprivation of liberty before conviction should be resorted to only when it becomes necessary. Similarly, in Dataram Singh ..vs.. State of Uttar Pradesh, (2018) 3 SCC 22, the Hon'ble Supreme Court reiterated that grant of bail is the rule and refusal is an exception. Further, in Satender Kumar Antil ..vs.. CBI, (2022) 10 SCC 51, the*

Hon'ble Supreme Court emphasized that prolonged pre-trial detention should be avoided once the investigation is complete and the presence of the accused can be secured by imposing appropriate conditions.

5.6. In the present case, the investigation has been completed, the final report has been filed and the case is pending for trial before this Court. The petitioner has been in judicial custody since 13.10.2025. Though the prosecution has expressed apprehension regarding the petitioner's antecedents and the possibility of absconding, this Court is of the view that such apprehension can be adequately addressed by imposing stringent conditions. The mere pendency of previous criminal cases cannot, by itself, be a ground to deny bail when the trial is yet to commence and the presence of the accused can be effectively secured.

5.7. Considering the facts and circumstances of the case, the period of incarceration undergone by the petitioner, the completion of investigation, the subsequent order passed by the Hon'ble High Court in H.C.P. No.338 of 2026, and the principles laid down by the Hon'ble Supreme Court in the above decisions, this Court is of the considered opinion that the petitioner has made out sufficient grounds for grant of bail. Accordingly, the petitioner is entitled to be enlarged on bail, subject to stringent conditions to ensure his presence during trial and to safeguard the interests of the prosecution.

6. **IN THE RESULT:-**

6.1. *This Criminal Miscellaneous Petition is allowed.*

6.2. *Accordingly, the petitioner/accused is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with*

two sureties, one of whom shall be a blood relative of the petitioner and the other a solvent surety, each for a like sum, to the satisfaction of this Court.

6.3. The petitioner shall appear before this Court on all hearing dates unless his personal appearance is exempted by this Court.

6.4. The petitioner shall report before this Court daily at 10.30 a.m. until further orders.

6.5. The petitioner shall not tamper with the prosecution evidence or influence the prosecution witnesses, either directly or indirectly.

6.6. The petitioner shall not commit any offence of a similar nature while on bail.

6.7. In the event of breach of any of the above conditions, the learned Judicial Magistrate/Trial Court shall be at liberty to take appropriate action against the petitioner in accordance with law, as if the conditions had been imposed by the said Court itself, in the light of the decision of the Hon'ble Supreme Court in P.K. Shaji ..vs.. State of Kerala, AIR 2006 SC 100.

6.8. If the petitioner thereafter absconds, a fresh FIR may be registered against him under Section 229 of the Bharatiya Nyaya Sanhita, 2023 (failure by a person released on bail or bond to appear before the Court), in accordance with law.

6.9. Accordingly, this Criminal Miscellaneous Petition is allowed.

*-//Dictated to Stenographer, typed by him, corrected and pronounced by me in
the Open Court on this the Friday, 24th Day of July, 2026.//-*

**I-Additional District and Sessions Judge,
Tiruvallur.**