



ITEM NO.58

COURT NO.16

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).
1629/2026

[Arising out of impugned final judgment and order dated
05-01-2026 in CRL.OP(MD) No. 23155/2025 passed by the
High Court of Judicature at Madras at Madurai]

BALAJI

Petitioner(s)

VERSUS

STATE OF TAMIL NADU & ANR.

Respondent(s)

IA No. 28671/2026 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT, IA No. 28670/2026 - EXEMPTION FROM
FILING O.T.

Date : 30-01-2026 This matter was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) Mr. G.Anto Prince, Adv.
Mr. A.gnana Sekar, Adv.
Mrs. M.kurus Celine Rani, Adv.
Ms. Neya As, Adv.
Mr. G.anto Robert, Adv.
Mr. Manas P Hameed, Adv.
Mr. Jose Abraham, AOR

For Respondent(s) Mr. Sabarish Subramanian, AOR
Ms. Arpitha Anna Mathew, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. In the present matter the petitioner was enlarged on
bail by the impugned order subject to certain
conditions. One of the condition that was imposed was

on account of a statement made by the petitioner before the Court. The statement as recorded in paragraph 5 of the impugned order which reads thus:-

“This Court, on previous occasion, directed, the prosecution to make the petitioner to appear before this Court through video conference. Today, the accused has appeared through video conference and has accepted and admitted that he would marry the defacto complainant. “

2. Based on this statement, the conditions to the following effect were imposed:-

“6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand" only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Thanjavur, and on further conditions that :-

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner is directed to file an affidavit while producing surety stating that he would marry the defacto complainant. On such filing of affidavit, the petitioner may be released on interim bail. After registering the marriage, the petitioner shall submit the registration certificate before this Court on 04.02.2026.

[c] the petitioner shall report before the respondent police as and when required for interrogation till 04.02.2026;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

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

[f] 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 is 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.”

3. In the present special leave petition, the petitioner submits that High Court erred in imposing conditions 'B' and 'C'.

4. The above conditions were imposed pursuant to the statement made by the petitioner. The petitioner cannot take benefit of part of the order and say that the other part cannot bind him and needs to be set aside. The correct course of action to follow would be to set aside the entire order since the High Court was lulled into passing the order on the statement of petitioner.

5. In view of the above, we set aside the order dated 05.01.2026 in CrI.OP(MD) No.23155/2025. The High Court to consider CrI.OP(MD) No.23155 of 2025 on its own merits afresh.

6. Learned counsel for the petitioner submits that he has protection till 04.02.2026 and prays leave that the High Court may be requested to consider the matter before the said date.

7. The learned counsel for the petitioner is granted liberty to bring to the attention of the High Court about the present order passed by us, on Monday i.e. on

02.02.2026.

8. Till 04.02.2026, the protection granted by the High Court shall continue to operate as an order of interim bail.

9. With the above observations, the special leave petition is disposed of.

10. Pending application(s), if any, shall also stand disposed of.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)