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CRL OP No. 23144 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 23144 of 2026

Selva Kumar

..Petitioner(s)

Vs

The State Rep by
The Inspector of Police
Veppankuppam Police Station,
Vellore.
Crime No.175/2026.

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 483 of BNSS, 2023, pleaded to enlarge the petitioner on bail in Crime No.175 of 2026, now pending investigation on the file of the Inspector of Police, Veppankuppam Police Station, Vellore

For Petitioner(s):

Mr.Adithya Varadarajan

For Respondent(s):

Mr.M.M.I.Khaleel,

Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.07.2026 for the alleged offences under Sections 296 (b), 115 (2), 109 (1), 103 (1), 351 (3) of BNS r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.175 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to a property dispute, the petitioner along with his son attacked the deceased with an iron rod, thereby causing his death. Hence the case.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 02.07.2026. He further submitted that previous bail application filed by the petitioner was dismissed by this Court on 27.07.2026. He stated that the change in circumstances in this case is that, after the dismissal of previous bail application, the petitioner obtained the postmortem report dated 02.07.2026, issued by the Government Vellore Medical College and Hospital, Vellore. The report states the immediate cause of death as follows:

“Opinion as to cause of death: The deceased would appear to have died of complications of advanced chronic ischemic heart disease associated with severe calcific coronary atherosclerosis and occlusion of the left anterior descending coronary artery, marked left ventricular hypertrophy. Old healed myocardial infarction and severe calcific aortic valvular disease. The history of physical assault preceding the collapse is noted. However, no external or internal injuries sufficient to cause death were detected at autopsy. The deceased had advanced pre-existing cardiac disease capable of causing sudden natural death. In the absence of demonstrable fatal injuries, the cause of death is attributed to the above mentioned natural cardiac disease. The role, if any of physical exertion or emotional stress associated with the alleged altercation in precipitating the terminal cardiac event is a matter for correlation with the investigation and surrounding circumstances.”



4. Based on the reasons provided by the Doctor who conducted the postmortem, the learned counsel for the petitioner submitted that the cause of death is attributed to pre-existing complications and not to any assault by the petitioner. Hence, he prays to grant bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and, further submitted that first accused (A1) has already been detained under the Goondas Act.

6. Considering the postmortem report which clearly states that there are no external or internal injuries causing death. It also states that the deceased had pre-existing complications of advanced chronic ischemic heart disease associated with severe calcific coronary atherosclerosis and occlusion of the left anterior descending coronary artery, marked left ventricular hypertrophy an old healed myocardial infarction and severe calcific aortic valvular disease.

7. Under these peculiar circumstances and considering the fact that the petitioner has been incarcerated since 02.07.2026, this court is of the firm view that his further custody is not necessary for the purpose of further investigation. Consequently, this Court is inclined to grant bail to the petitioner with certain conditions.



8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Additional Mahila, Vellore**, and subject to the following conditions:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall report before the respondent police daily morning at 10.30 a.m until further orders;**

[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 aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;



[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

19-08-2026

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate, Additional Mahila, Vellore.

2.The Superintendent of Prison,
Central Prison, Vellore.

3.The Inspector of Police
Veppankuppam Police Station,
Vellore.

4.The Public Prosecutor
High Court of Madras.



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N.RAMESH, J.

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