

Crl.O.P.(MD)No.13980 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.07.2026

PRESENT

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No. 13980 of 2026

1.R.Shankar.
2.V.Vadamalai
3.V.Kayambu
4.C.Selvam
5.S.Murugan Sundaraj

...Petitioners

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.328 of 2026)

...Respondent/Complainant

For Petitioners : Mr.T.Lajapathi Roy
Senior Counsel for M/s.Roy and Roy Associates
For Respondent : Mr.T.Lenin Kumar
Counsel for State of TN (Crl. Side)

For Intervenor : Mr.S.Kumar

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No. 328 of 2026 on the file of the respondent police.

ORDER : The Court made the following order :-



Crl.O.P.(MD)No.13980 of 2026

The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 296, 108, 62 of BNS, in Crime No.328 of 2026, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are in charge of the administration of a temple. They objected to the use of a particular land as a pathway, claiming that it belongs to the temple. The deceased in this case questioned the said objection and demanded that the pathway be permitted for public use. It is alleged that the petitioners threatened the deceased. Unable to bear the same, the deceased, who is the husband of the defacto complainant, committed self-immolation. Initially, a case was registered under Section 194 of BNS. Subsequently, the case was altered to one under Section 108 of BNS. Apprehending arrest in connection with the said case, the petitioners have come forward with the present petition seeking anticipatory bail.

3. The learned counsel for the petitioners submits that the petitioners are innocent and they were falsely implicated in this case and they are in no way connected in the above said incident. They have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are only involved in the management of the temple. Due to a pathway dispute, the



Crl.O.P.(MD)No.13980 of 2026

deceased committed suicide on his own. They have not either threatened him or involved in any other activities, which could have abetted the commission of suicide. Hence, he prays to grant Anticipatory Bail to the petitioners.

4. The learned counsel appearing for the intervenor submitted that the deceased had made a dying declaration, wherein he had categorically stated that, after pouring kerosene over himself, somebody set fire on him. He further submitted that the wife of the deceased was also present at the place of occurrence and that she was also sustained burn injuries. She has also spoken about the involvement of the petitioners in the occurrence. There is every likelihood of the petitioners hampering the investigation if they are granted anticipatory bail. Hence, the learned counsel opposed the grant of anticipatory bail.

5. The learned counsel appearing for the State reiterated the prosecution case and by relying on the dying declaration, submitted that the investigation in this case is still pending. So far, no accused has been arrested. He further submitted that, in the dying declaration, the deceased has stated that, though he had poured kerosene over his body, he had not set fire on himself and that some other person had set him fire. Therefore, the offences have been altered



Crl.O.P.(MD)No.13980 of 2026

accordingly and the investigation is in progress. He opposed grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record.

7. I have carefully gone through the dying declaration recorded by the learned Judicial Magistrate. It reveals that the deceased has stated that he himself poured petrol over his body at about 7.00 a.m. on the date of occurrence. However, he has further stated that he does not know who set him on fire. He has also named Selvam, Vadamalai, Shankar and Murugan were present in that place at the time of occurrence. I have also carefully perused the alteration report filed by the Investigating Officer. It is seen that the deceased himself has categorically stated that he poured petrol over his body. However, he suspected that somebody might have set him on fire. Considering the nature of the occurrence, the motive for such occurrence, and the other circumstances, this Court is of the view that custodial interrogation of the petitioners is not necessary for the purpose of investigation. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of



Crl.O.P.(MD)No.13980 of 2026

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fifteen days from the date on which the order copy made ready,

before the learned **Judicial Magistrate No.II, Kenikarai,**

Ramanathapuram District, on condition that the petitioner shall

execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand

only) each with two sureties each for a like sum to the satisfaction of

the learned Magistrate concerned and on further condition that:

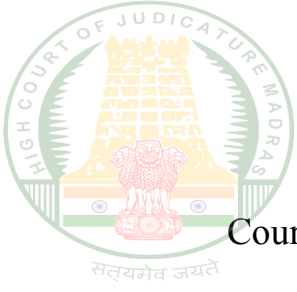
[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks, thereafter, as and when required for interrogation;

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



Crl.O.P.(MD)No.13980 of 2026

Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be

registered under Section 269 B.N.S

(K R S J)
17.07.2026

TM

To

- 1.The Judicial Magistrate No.II, Kenikarai, Ramanathapuram District
- 2.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District. (Crime No.328 of 2026)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)No.13980 of 2026

K. RAJASEKAR, J.

TM

ORDER
IN
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