



Crl.O.P.No.21278 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21278 of 2025

1. Vishnu

2. Elavarasan

....Petitioners

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Ambalur Police Station,
Thirupathur District.
(Cr.No.109 of 2025)

... Respondent

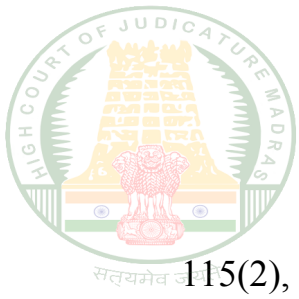
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.109 of 2025 on the file of the respondent.

For Petitioners : M/s.T.Dhasarathan

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial
custody on 04.07.2025, seeks bail in Crime No.109 of 2025 for the offence
under Sections 126(2), 296(b), 115(2), 189(2) and 109 read with Section
249(b) and 49 of BNS subsequently altered into Sections 126(2), 296(b),



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115(2), 189(2) and 103(1) read with Section 249(b) and 49 of BNS [Under Sections 341, 294(b), 323, 143, 302 read with Section 212 and 109 of IPC on the file of the respondent seeks bail.

2. The case of the prosecution is that due to previous enmity, on 03.07.2025, at about 03.30.p.m., when the deceased along with his friends were travelling on his motor vehicle, the A1 to A4 assaulted the deceased, due to which, deceased sustained injuries and died. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (CrI. Side) while opposing for grant of bail to the petitioners reiterated the prosecution case.

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



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6. On perusal of the FIR, it is seen that, first petitioner/A4 is very much present in the scene of occurrence, hence, this Court is not inclined to grant bail to the first petitioner/A4. Considering the fact that the charge against the 2nd petitioner/A6 is only that he had harboured the assailants , this Court is inclined to grant bail to the 2nd petitioner/A6 with certain conditions.

7. Accordingly, the 2nd petitioner/A6 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Vaniyambadi, Thirupathur** and on further conditions that:

[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 2nd petitioner/A6 shall report before the respondent police daily at 10.30.a.m., until further



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orders;

[c] the 2nd petitioner/A6 shall make himself available for interrogation by a Police Officer as and when required;

[d] the 2nd petitioner/A6 shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the 2nd petitioner/A6 to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the 2nd petitioner/A6 in accordance with law as if the aforementioned conditions have been imposed and the 2nd petitioner/A6 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.



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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.Judicial Magistrate, Vaniyambadi, Thirupathur
- 2.The Inspector of Police,
Ambalur Police Station,
Thirupathur District.
- 3.The Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.

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