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Crl.O.P.No.27639 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.27639 of 2025

S.Tharun

... Petitioner

Vs.

The State represented by
The Inspector of Police,
V4, Rajamangalam Police Station,
Chennai.
(Crime No.365 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in Crime No.365 of 2025 on the file of the respondent police.

For Petitioner : Mr.J.Ramesh

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.09.2025, for the offence punishable under Sections 126(2), 296(b), 115(2), 118(1), 109, and 351(3) of BNS, subsequently altered to Sections 191(2), 191(3), 126(2), 296(b), 115(2), 118(1), 103, and 351(3) of BNS, in



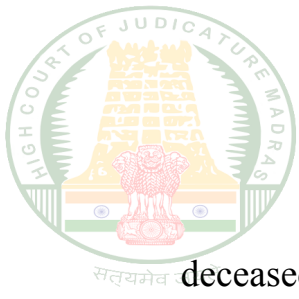
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Crime No.365 of 2025, registered on the file of the respondent, seeks bail.

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2. The case of the prosecution is that the petitioner is a resident of Makkaram Thottam. One of the accused in this case, namely Cheran, had attacked the friend of the deceased, one Vicky. Consequently, the friends of Vicky and some other persons went to the place of occurrence to question Cheran and his friends. At that point of time, the friend of Vicky along with this petitioner clashed with the deceased and his friends. During the altercation, the others fled from the spot, and the deceased was surrounded by the petitioner and the other accused. They indiscriminately assaulted the deceased with wooden logs and stones, causing grievous injuries. The injured was immediately taken to the hospital, where he succumbed to the injuries. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the occurrence took place due to a sudden quarrel between the deceased and his friends on one side and the accused group on the other. It is further submitted that the deceased and his friend initially attacked the accused group, which led to the altercation. During the course of the fight, the



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deceased sustained injuries and later died in the hospital. The learned counsel further submitted that the petitioner has been in custody since 18.09.2025 and prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail, reiterating the prosecution case. He submitted that there are totally nine accused in this case, and the petitioner has been arrayed as A1. It is specifically alleged that the petitioner attacked the deceased with wooden logs and stones. He further submitted that all the accused were arrested, and two juveniles involved in this case were already released on bail by the Juvenile Justice Board. He also submitted that the petitioner has no previous criminal antecedents and that the investigation in the present case is still pending.

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

6. Considering the manner in which the occurrence took place, the fact that the petitioner has no previous criminal antecedents, and taking into account the period of incarceration, and the overt act of the petitioner that he



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attacked with stone, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XIII Metropolitan Magistrate, Egmore, Chennai**, 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 petitioner shall stay at Salem and report before the Inspector of Police, Salem Town Police Station daily at 10.30 a.m., for a period of four weeks, and thereafter as and when required for interrogation;

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



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

[e] the petitioner 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 petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner 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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K.RAJASEKAR, J.

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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 XIII Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
V4, Rajamangalam Police Station,
Chennai.
- 3.The Inspector of Police,
Salem Town Police Station,
Salem.
- 4.The Central Prison, Puzhal.
- 5.The Public Prosecutor,
High Court of Madras.

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