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Crl.O.P.No.28381 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 17.10.2025**

CORAM

**THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**Crl.O.P.No.28381 of 2025**

Malar

... Petitioner

Vs.

The State represented by  
The Inspector of Police,  
Maruvathur Police Station,  
Perambalur District.  
(Crime No.146 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.146 of 2025 on the file of the respondent police.

For Petitioner : Mr.G.Jaisivaramaraj

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

**ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 16.09.2025, for the offence punishable under Section 103 of BNS @  
191(2), 191(3), 296(b), 115(2), 125, 351(3) of BNS, in Crime No.146 of



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2025, registered on the file of the respondent, seeks bail.

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2. The allegation against the petitioner is that the petitioner, along with other accused, attacked the deceased after the deceased allegedly attempted to commit rape on one of the relative of accused. Acting on this, the petitioner and the co-accused assaulted the deceased with wooden logs and stones, causing severe injuries which resulted in his death.

3. The learned counsel appearing for the petitioner submitted that the occurrence took place instantaneously and was not a pre-planned murder. He further submitted that the petitioner has been in custody since 16.09.2025. Hence, he prayed that bail may be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail, reiterating the prosecution case, and submitted that the petitioners, along with the other accused, allegedly joined together in attacking the deceased. He further submitted that the investigation in this case is not yet complete.



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

6. Considering the manner in which the occurrence took place, the absence of any specific overt act attributed to the petitioner, and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to 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 **Judicial Magistrate Court No.II, Perambalur**, 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 Madurai and report before the learned Judicial Magistrate No.I, Madurai, daily at 10.30 a.m., apart from the hearing**



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**dates before the Trial Court concerned for their earlier until further orders.**

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

[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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cda



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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 Court No.II, Perambalur.
- 2.The Judicial Magistrate Court No.I, Madurai.
- 3.The Inspector of Police,  
Maruvathur Police Station,  
Perambalur District.
- 4.The Central Prison, Trichy.
- 5.The Public Prosecutor,  
High Court of Madras.



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**K.RAJASEKAR, J.**

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