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Crl.O.P.No.31299 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.31299 of 2025

1. Anantha Prasath

2. Rathna Varshan

... Petitioners

-Vs-

State Rep by,

The Inspector of Police,

Hashtampatty Police Station,

Salem District.

(Crime No.256 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS Act, 2023,

pleaded to enlarge the petitioner on bail in Crime No.256 of 2025 pending on the

file of the respondent police.

For Petitioner : Mr.S.Lal Devasagayam

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

ORDER



The petitioners were arrested and remanded to judicial custody on 18.07.2025 and 23.07.2025 respectively, for the alleged offence punishable under Sections 191(2), 191(3) and 103(2) altered as 191(2), 191(3), 103(2) and 61(2) of BNS, 2023 in Crime No.256 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased, Madhankumar, was an accused in another case for the death of one Kutty. He was released on bail and was regularly appearing before the respondent police. Due to previous enmity, A1 to A10, along with the present petitioners, who all hail from the same village, conspired together. They stayed at Salem, observed the movements of the deceased, and taking advantage of an opportunity, waylaid and attacked him indiscriminately, causing his death. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners, who are arrayed as A11 and A12, were not present at the place of occurrence, and they have been falsely implicated in this case. It is further submitted that the petitioners have no previous criminal antecedents.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that there are totally 13 accused, and the petitioners are ranked as A11 and A12, who were directly involved in the attack have been detained under Act 14 of 1982. Though the petitioners claim that they have no previous case, the materials collected during investigation reveal that they actively participated in the conspiracy and on their instructions, the other accused went to the place of occurrence and attacked the deceased. The investigation in this case is pending. Hence, he strongly opposed the grant of bail to the petitioner.

5. Earlier this Court dismissed the bail petition, by order dated 06.10.2025 on the ground that the investigation is not concluded and this is a case of heinous murder.

6. Today, when the matter is taken up for hearing, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation is concluded and the final report filed in PRC.No.242 of 2025 and the case is committed to Sessions and the next hearing date is 17.11.2025.



7. Considering the submissions made by the learned Government Advocate (Crl.Side), the fact that the investigation is completed and the final report filed, considering the period of incarceration and since there is change in circumstances, this Court is inclined to grant bail to the petitioner.

8. 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, for a like sum to the satisfaction of the *learned Judicial Magistrate No.III, Salem*, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the concerned Court daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.



[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 aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

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

26.11.2025

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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 No.III,
Salem.

2.The Inspector of Police,
Hasthampatty Police Station,
Salem District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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