



Crl.OP.No.29546 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.29546 of 2025

1. Siva Kumar
2. Susila

... Petitioners

Vs.

State of Tamilnadu Rep by
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
(Cr.No.297 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/accused
Nos.3 and 4 in Cr.No.297 of 2025 on the file of the respondent police.

For Petitioners : Mr.R.Radha Pandian

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

ORDER

The petitioners, who were arrested and remanded to judicial custody
on 22.09.2025 for the alleged offence under Sections 126(2), 296(b),
115(2), 109(1) of BNS Act @ 126(2), 296(b), 115(2), 103(1) of BNS Act in



Crime No.297 of 2025 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to property dispute, the petitioners have waylaid the defacto complainant's father and abused and assaulted him by bamboo stick and caused fatal injuries to him. Subsequently, the defacto complainant's father was succumbed to death. Accordingly, FIR has been altered from Section 109 to 103(1) of BNS. Hence, the present case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are not having any specific overt act and they have been falsely implicated in this case. He further submitted that the petitioners are in custody from 22.09.2025 and prays to grant bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and reported that the co-accused were enlarged on bail by this Court vide order dated 15.10.2025 in Crl.OP.27202 of 2025. He further reported that investigation has been completed. Hence, he opposed to grant bail to the petitioners.

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

6. Considering the nature of the offence committed by the petitioners



and taking into account the period of incarceration, the investigation has been completed and the co-accused were enlarged on bail, I am inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing bonds for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, for a like sum to the satisfaction of the learned ***District Munsif-Cum-Judicial Magistrate, Denkanikottai*** 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 petitioners shall stay at Kancheepuram and report before the Inspector of Police, B2, Vishnu Kanchi Police Station daily at 10.30 a.m., until further orders;**

[c] the petitioners shall make themselves available



for interrogation by a Police Officer as and when required;

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

[e] the petitioners 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 petitioners in accordance with law as if the aforementioned 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 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.

30.10.2025

Vv

Note :



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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 District Munsif-Cum-Judicial Magistrate,
Denkanikottai.
2. The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
3. The District Prison,
Dharmapuri.
4. The Central Prison
Women at Salem.
5. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.



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