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Crl.O.P.No.32167 & 32169 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.11.2025**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.Nos.32167 & 32169 of 2025

Kathirvel @ Azhagu

... Petitioner
in Crl.OP.No.32167/2025

1.Bakkiayaraj
2.Paul Ponniya @ Bala

.. Petitioners in
Crl.OP.No.32169 of 2025

-Vs-

State Rep by,
The Sub-Inspector of Police,
Kurusilapet Police Station,
Tirupattur District.
(Crime No.133 of 2025)

... Respondent
(in both Crl.OPs)

Common Prayer:- Criminal Original Petitions filed under Section 483 of BNSS Act, 2023, pleaded to enlarge the petitioners on bail in Crime No.133 of 2025 pending on the file of the respondent police.

For Petitioners : Mr.A.Murugavel
(in both Crl.OPs)

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



COMMON ORDER

The petitioner/A4 in Crl.OP.No.32167 of 2025 and the petitioners/A2 and A3 in Crl.OP.No.32169 of 2025 were arrested and remanded to judicial custody on 02.10.2025, for the alleged offence punishable under Section 296(b), 109 BNS @ 296(b), 103 of BNS in Crime No.133 of 2025, on the file of the respondent police, seek bail.

2. The allegation against the petitioners is that they were working under A1 and that, due to the extra-marital relationship between A1's wife and the deceased, A1 along with the petitioners went to the house of the defacto complainant. It is alleged that A1 stabbed the deceased with a knife and the other accused attacked him with stones. Initially, the case was registered under Sections 296(b) and 109 of BNS. Subsequently on the same day, the deceased succumbed to his injuries and therefore the offences were altered to Sections 296(b) and 103 of BNS. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners were employed at A1's shop at that, due to the alleged illicit affair between the deceased and A1's wife, the deceased was assaulted by the petitioners, which subsequently resulted in his death. He further submitted that the petitioners are in judicial custody from 02.10.2025. Hence, he prayed for



grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the occurrence had taken place recently, no previous case against the petitioners and that the investigation is still pending. Hence, he opposed for the grant of bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of the allegations and the petitioners are in judicial custody from 02.10.2025 and that the petitioners have not attacked the deceased with any weapon, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** each with two sureties, for a like sum to the satisfaction of the *learned Judicial Magistrate No.II, Tirupattur*, 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;



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the 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)AIR SCW 5560];

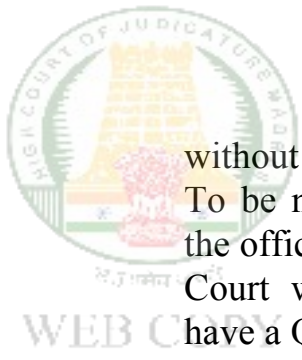
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

25.11.2025

drl

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.II,
Tirupattur.

2.The Sub-Inspector of Police,
Kurusilapet Police Station,
Tirupattur District.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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