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Crl.O.P.No.32186 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.No.32186 of 2025

Mageshwaran

... Petitioner

-Vs-

State Rep by,
The Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.
(Crime No.638 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.638 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.09.2025, for the alleged offence punishable under Sections 281, 106 of BNS, 2023 and later altered into Sections 103(1), 61(2) of BNS, 2023 in Crime No.638 of 2025, on the file of the respondent police, seeks bail.



2. The allegation against the petitioner is that the petitioner is the brother-in-law of the deceased in this case and that the deceased suspected the sister of the petitioner and forced her to separate from the matrimonial home.

Based on the above enmity, it is alleged that the petitioner, taking advantage of the deceased's profession as an auto driver, took him to a lonely place, attacked him with a knife and committed murder. It is further alleged that the petitioner attempted to screen the offence by making it appear as though the deceased had died in a road accident. Based on the said allegations, a complaint was lodged and the petitioner was arrested.

3. Learned counsel appearing for the petitioner submitted that the petitioner was arrested purely on suspicion. He further submitted that the petitioner is in judicial custody from 13.09.2025, and that he is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the major part of the investigation is completed. He further submitted that the FIR was originally registered on 12.09.2025 and, during the course of investigation it was revealed that the petitioner was arrested and he has not having any previous case. Hence, he opposed for the grant of bail to the petitioner.



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

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6. Considering the submissions of the learned counsel on either side and the motive behind the occurrence, the petitioner is in judicial custody from 13.09.2025 and also the fact that major part of the investigation is completed, 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, for a like sum to the satisfaction of the *learned Judicial Magistrate, Arni*, 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 stay at Salem and report before the 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 not abscond either during investigation or trial;



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[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.

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.



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To

1.The Judicial Magistrate,
Arni

2.The Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai 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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