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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.33383 of 2025

Sakthivel

Petitioner

Vs

The State Represented by
The Inspector of Police,
Yercaud Police Station,
Salem District.
Crime No.235 of 2025.

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.235 of 2025 on the file of the respondent police.

For Petitioner:

Mr.C.Deepakkumar

For Respondent:

Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



on 04.10.2025 for the alleged offence punishable under Sections 103(1) & 55 of BNS, in Crime No.235 of 2025, seeks bail.

2. The allegation against the petitioner is that the petitioner is ranked as A5 in this case. It is alleged that A2, the wife of the deceased was having an extra-marital relationship with A1, which was objected by the deceased. Consequently, A1 and A2 conspired together and joined hands with three other accused, including the petitioner, followed the deceased at night time and attacked him with iron rod, causing severe head injuries, which ultimately resulted in this death. Hence, the complaint was lodged and the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that the allegation against the petitioner is that he had allegedly purchased the iron rod and handed it over to A1 and he was further watching the movements of the deceased for the purpose of attacking him. He further submitted that he is in judicial custody since 04.10.2025. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that there are totally five accused in this case and the petitioner is ranked as A5. He



further submitted that all the accused have been arrested and that the investigation is still pending. Hence, he opposed to grant bail to the petitioner.

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

6. Considering the submissions made by the learned counsel on either side, the fact that the overt act attributed against the petitioner is that he did not attack the deceased, and that the petitioner has no previous case and also considering the period of his incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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, Yercaud*, 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 Tiruppur and



report before the Judicial Magistrate No.I, Tiruppur, 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.

05.12.2025

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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,
Yercaud.
2. The Inspector of Police,
Yercaud 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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