



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.34985 of 2025

Sabari

Petitioner

Vs

The State Represented by
The Inspector of Police,
Hasthampatty Police Station,
Salem.
Crime No.391 of 2025.

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner in Crime No.391 of 2025 on the file of the respondent police.

For Petitioner:

M/s.S.Sengkodi

For Respondent:

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



on 09.11.2025 for the alleged offence punishable under Sections 296(b), 118(1), 109(1) and 351(3) of BNS, in Crime No.391 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that due to an illicit relationship between the defacto complainant and A2, who is the wife of the petitioner herein. It is alleged that the petitioner joined hands with other accused attacked the defacto complainant with knife and caused severe injuries. Hence, a complaint was lodged and the petitioner was arrested for the said offences.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent and has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody since 09.11.2025. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that there are totally three accused in this case and the petitioner is ranked as A1. He further submitted that the petitioner has one previous case (protest case) pending against him and that the injured was discharged from the hospital. Hence, he opposed to grant bail to the petitioner.



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5. Considering the submissions made by the learned counsel on either side, the injured was discharged from the hospital, though the petitioner has one previous case which is not of a similar nature, and considering the period of his incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 respondent police daily at 10.30 a.m., for a period of three weeks.

[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.

19.12.2025

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 No.III,
Salem.

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

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.,

drl

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