



WEB COPY



CrI.O.P.No.35366 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.35366 of 2025

Alakesan

... Petitioner

Vs.

The State rep. by its
The Inspector of Police,
Nallipalayam Police Station,
Namakkal District
(Crime No.228 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023 to enlarge the petitioner on bail in connection with Crime No.228 of 2025 on the file of the respondent police.

For Petitioner : Ms.S.Sengkodi

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.11.2025 for the alleged offences punishable under Sections 194 of BNSS altered into Section 103 of BNS in Crime No.228 of 2025, on the file of the respondent police, seeks bail.



Crl.O.P.No.35366 of 2025

2. The case of the prosecution is that due to a property dispute, the petitioner strangled the deceased using his towel. Due to which the deceased died. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the respondent police have registered a false case against the petitioner and that initially, the case was registered under Section 194 of BNSS and thereafter, altered into Section 103 of BNS. He also submitted that the occurrence said to have been taken place on 01.11.2025 and the petitioner was arrested and remanded to judicial custody from 02.11.2025. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Since he is in custody from 02.11.2025, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the investigation in this case is in the initial stage and that the petitioner, due to a property dispute, strangled the deceased, aged about 80 years and that since the offences are grave in nature, he opposed to grant bail to the petitioner.



CrI.O.P.No.35366 of 2025

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

6. Considering the rival submissions on either side and that there is a property dispute between the parties, and already material part of the investigation was over and that there is no previous case pending against the petitioner and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of **the Judicial Magistrate No.1, Namakkal**, and on further conditions that:-

[b] **the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;**

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;



CrI.O.P.No.35366 of 2025

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

30.12.2025

Anu

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.



CrI.O.P.No.35366 of 2025

To

1.The Judicial Magistrate No.1,
Namakkal

2.The Inspector of Police,
Nallipalayam Police Station,
Namakkal District

3.The Superintendent,
Central Prison, Salem

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.35366 of 2025

P.DHANABAL, J.

Anu

Crl.O.P.No.35366 of 2025

30.12.2025