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Crl.O.P.No.35579 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.12.2025

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.35579 of 2025

V.Periyasamy

... Petitioner

Vs.

The State of Tamil Nadu
Rep.by its Inspector of Police
Banagalapudur Police Station
Erode District.
(Crime No.387 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023 to enlarge the petitioner on bail in Crime No.387 of 2025 on the file of the Inspector of Police, Bangalapudur Police Station, Erode District, the respondent herein.

For Petitioner : Mr.A.V.Arun

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.10.2025, for the alleged offences punishable under Sections 296(b), 103, 109, 115(2) and 49 of BNS (296(b), 302, 207, 323 and 109 of Indian Penal Code), in Crime No.387 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the 3rd accused Sakthivel was working as Watchman at Perumpallam Dam to protect the fishing at the dam. The Complainant and his father, the deceased Iyyapan were the licencees for fishery and the 3rd accused used to pick up quarrel with them while they tried to catch fish after 6 pm. On 11.10.2025, when they went for fishing around 6 pm, there arose abused in filthy language. Then around 7 pm, the 3rd accused brought the two other accused viz., Soundararajan and Gowtham caused severe injuries to him and his father who died due to the injuries caused by them. Hence, the present case came to be registered.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been suffering incarceration from 12.10.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case, investigation is pending and the offences are serious in nature and submitted that no previous case pending against the petitioner. However, he vehemently opposed to grant of bail to the petitioner.

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

6. Considering the nature of allegations, period of incarceration of the petitioner and the petitioner is not named accused in the First Information Report and he has been included based on the confession statement of the co-accused and also considering the fact that investigation almost completed



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and no previous case pending against 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, Gobichettipalayam**, and on further conditions that:-

[b] the petitioner shall report before the Jurisdictional Magistrate on all working days 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;

[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



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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.

26.12.2025

dna/rsi

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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P.DHANABAL, J.

dna/rsi

To

1. The Judicial Magistrate No.1, Gobichettipalayam.

2.The Inspector of Police
Banagalapudur Police Station
Erode District.
(Crime No.387 of 2025)

3.The Superintendent,
District Jail, Gobichettipalayam.

4.The Public Prosecutor,
High Court of Madras.

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