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CrI.O.P.No.35720 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.12.2025

CORAM

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

CrI.O.P.No.35720 of 2025

Varatharaj

... Petitioner/Accused

Vs.

The State represented by its
Inspector of Police,
Kondalampatty Police Station,
Salem District.
(Crime No.409 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.409 of 2025 on the file of the Inspector of Police, Kondalampatty Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.11.2025 for the alleged offences punishable under Sections 296(b) and 109 of BNS in Crime No.409 of 2025, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that due to land dispute, a wordy quarrel arose between the petitioner and the de-facto complainant, who are siblings. The petitioner attacked the de-facto complainant with Koduval on his head, thereby he sustained injury. Hence, the case.

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 there is no previous case against the petitioner. Further the injured also discharged from the hospital. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner and the victim are siblings. He further submitted that there is no previous case pending against the petitioner and the injured has been discharged from the hospital. However, he opposed to grant bail to the petitioner.



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

6. It is a dispute between the siblings in respect of land. Considering the nature of offence and the period of incarceration undergone by the petitioner and the fact that injured has been discharged from the hospital and also the fact that petitioner has no previous case, 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.V, Salem**, and on further conditions that:-

[b] **the petitioner shall report before the respondent police on every Saturday 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,



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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.

26.12.2025

rsi/dna

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
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1.The Judicial Magistrate No.V,
Salem.

2.The Inspector of Police,
Kondalampatty Police Station,
Salem District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

rsi

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