



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.878 of 2026

1.Siva
2.Rupas

... Petitioners

-VS-

State Rep by,
The Inspector of Police,
Berigai Police Station,
Krishnagiri District.
(Crime No.359 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.359 of 2025 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.12.2025, for the alleged offence punishable under Sections 296(b), 115(2), 118(1), 109 and 351(3) of BNS Act, 2023 in Crime No.359 of 2025 on the file of the respondent police seeks bail.



WEB COPY

2. The allegation against the petitioner is that, the petitioners along with other accused and due to previous enmity, they abused the defacto complainant in filthy language and attacked him with a knife, thereby causing injuries on his hand and cheek and also threatened him with dire consequences. Hence, a complaint was registered and the petitioner was arrested.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated and that they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody since 22.12.2025 and they are ready to abide by any 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 there are three accused in this case and the petitioners are arrayed as A1 and A2. He further submitted that the first petitioner/Siva has seven previous cases and the second petitioner/Rupas has one previous case pending against them. He further submitted that the injured was discharged from the hospital 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 both sides, the fact that the injured was discharged from the hospital and also considering that the second petitioner/Rupas has only previous case under a robbery offence, and also considering the period of his incarceration, this Court is inclined to grant bail to the second petitioner/Rupas with certain conditions.

7. As far as the first petitioner/Siva is concerned, the fact that the petitioner has 7 previous cases pending against him, this Court is not inclined to grant bail to the first petitioner/Siva. Hence, this Criminal Original Petition is dismissed as against the first petitioner/Siva is concerned.

8. Accordingly, the second 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 each, for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Hosur**, 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 second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[c] the second petitioner shall not abscond either during



WEB COPY

investigation or trial;

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 8780];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

12.01.2026

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.



To

1.The Judicial Magistrate No.I,
Hosur.

2.The Inspector of Police,
Berigai Police Station,
Krishnagiri District.

3.The Superintendent,
Sub Jail, Hosur.

4.The Public Prosecutor,
High Court, Madras.



WEB COPY



K. RAJASEKAR, J.

drl

Crl.O.P.No.878 of 2026

12.01.2026