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Crl.O.P.No.1223 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2026

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.1223 of 2026

Arunkumar

... Petitioner/A1

Vs.

The State represented by
The Inspector of Police,
Erumapatti Police Station,
Namakkal District.
(Crime No.138 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.138 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.M.Vijyaaragavan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
05.08.2025, for the offence punishable under Sections 194 of BNSS altered
into Sections 61(2), 238, 103(1), 3(5) and 49 of BNS, 2023 in Crime No.138
of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that there was a illegal relationship between the A1/Petitioner and A2 and due to the said relationship, A2, who is the wife of the deceased along with A1/petitioner & A3 have entered into criminal conspiracy to commit murder of the deceased and caused death of the deceased by administering poison and strangulated him. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that already A2 & A3 were arrested and released on bail. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the investigation in this case has been completed and the case is pending in S.C.No.190 of 2025. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that the co-accused has been granted bail and also taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions:



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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Court for Trial of Cases under SC/ST (POA) Act, Namakkal** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs 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 and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen



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days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

22.01.2026

sma

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. Special Court for Trial of Cases under SC/ST (POA) Act, Namakkal
- 2.The Inspector of Police,
Erumapatti Police Station,
Namakkal District.
- 3.The Central Prison, Salem
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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