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Crl.O.P.No.2103 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30-01-2026**

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.2103 of 2026

Suresh

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Thammampatty Police Station,
Salem District.
(Crime No.5 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.5 of 2026 on the file of the respondent police.

For Petitioner(s) : Mr. T. Ganesan

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 10.01.2026 for the offences punishable under Sections 296(b), 351(3) and 109 of BNS in Crime No.5 of 2026, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.01.2026, due to previous enmity, the petitioner along with other accused attacked the defacto complainant using knife; that thereby the defacto complainant sustained injuries. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he is in judicial custody since 10.01.2026; that on account of previous enmity, there was a wordy quarrel between the parties; that thereby both parties exchanged blows; that there is a counter case in Crime No.06 of 2026 registered on the file of the respondent police against the defacto complainant; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that there are totally two accused in this case and the petitioner is arrayed as A1; that the injured discharged from the hospital and the petitioner has no previous antecedents; and that the investigation of this case is pending.

5. Considering the submissions made, facts and circumstances of the case, the fact that the injured discharged from the hospital, taking note of the fact that there is a counter case and the period of incarceration undergone by the petitioner herein, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the 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.II, Auttur** 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;



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[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] 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]**;

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

30.01.2026

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



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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.II,
Auttur.
2. The Inspector of Police,
Thammampatty Police Station,
Salem District.
(Crime No.5 of 2026)
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

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