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CRL OP No. 3141 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 3141 of 2026

1. Mukesh Kumar
2. Luyis Maritin

..Petitioner(s)

Vs

The State of Tamil Nadu
Rep.by The Inspector of Police,
M-8,Sathangadu Police Station,
Tiruvallur District.
Crime No.406/2025

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner/accused -1 and 2 on Bail in Crime No.406/2025, pending investigation on the file of the respondent police.

For Petitioner(s): M/s.C.Vijay

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



ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.12.2025, for the offences punishable under Sections 126(2), 326(1), 351(3) of BNS 2023 r/w Section 3 of the Explosive Substances Act, 1908, in Crime No.406 of 2025, registered on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 23.12.2025, at about 12.00 a.m., due to previous enmity, the petitioners, along with other accused, came to the house of the defacto complainant, abused him in filthy language, and threw a Molotov cocktail at the door. As a result, a fire broke out inside the room. The defacto complainant narrowly escaped without sustaining any injuries. Thereafter, the accused allegedly threatened the defacto complainant with dire consequences. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. That apart, the petitioners have been suffering incarceration from 24.12.2025. He further submitted that the 1st petitioner is having one previous case and it is not a heinous crime and there is no previous cases pending against the 2nd petitioner. Therefore, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Cr1.Side) for the respondent police



reiterated the prosecution and submitted that the investigation in this case is pending. Hence, he opposed for the grant of bail to the petitioners.

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5. Considering the nature of the allegations and the fact that the incident has caused damage only to a small portion of the house, and also taking into account of the fact that the petitioners is in incarceration from 24.12.2025, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** each with **two sureties each**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Thiruvottiyur**, 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 petitioners shall appear before the respondent police everyday 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 petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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.

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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 State of Tamil Nadu
Rep.by The Inspector of Police,
M-8,Sathangadu Police Station,
Tiruvallur District.
Crime No.406/2025
- 2.The Judicial Magistrate, Thiruvottiyur.
- 3.The Central Prison, Puzhal-II.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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