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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2026

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THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.3575 of 2026

Gurusamy  
S/o Kalaimani

... Petitioner

Vs

The State rep. by,  
The Inspector of Police,  
Bommidi Police Station,  
Dharmapuri District

... Respondent

**PRAYER** Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime  
No. 164 of 2025 on the file of the Inspector of Police,  
Bommidi Police Station, Dharmapuri District.

**For Petitioner(s)** : Mr.R.N.Kasi Vishwanathan  
**For Respondent(s)** : Mr. A. Gopinath  
Government Advocate (Crl. Side)

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on  
21.01.2026 for the offences punishable under Sections Section 137(2), and  
96 of BNS Act altered to 137(2), 96,238,49 of BNS in Crime No.164 of  
2025, registered on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner is the brother of the A1 in this case. It is alleged that A1 had kidnapped the victim girl who is aged about 15 years and after kidnapping her from the place they contacted this petitioner to help them to take the victim to another place and accordingly the petitioner also helped A1. Thereafter, the victim girl was taken to Bangalore and so far the victim girl was not yet secured. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner was not aware of the whereabouts of the victim and they has also furnished the last known address of the victim and the petitioner is in judicial custody from 21.01.2026 and ready to co-operate with the investigation and prays to grant bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and submitted that so far victim girl is not yet secured and A1 is still absconding and investigation in this case is pending . Hence , he opposed to grant bail to the petitioner.



5. Considering the submissions made by both sides and the allegations levelled against the petitioner and though it is stated that the victim girl and A1 in this case is still absconding and considering the fact that the petitioner has also furnished the last known address of the victim , instead of the petitioner being in prison if he is released on bail he may co-operate with the investigation process to find the victim girl. Hence, this Court is inclined to grant bail to the petitioner herein with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their 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 Principal District Judge, Dharmapuri 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 appear before the respondent police daily at 10.30 a.m., until the victim girl is secured.

[c] the petitioner shall not abscond either during



investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] 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]**;

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

**27.02.2026**

smn

**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. The Principal District Judge, Dharmapuri

2. The Inspector of Police,  
Bommidi Police Station,  
Dharmapuri District

3. The Sub Jail, Harur

4. The Public Prosecutor,  
High Court of Madras.



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**K. RAJASEKAR, J.**

smn

**Crl.O.P. No.3575 of 2026**

**27.02.2026**