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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.3880 of 2026

Kotteswaran

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Vellore South Police Station,
Vellore District.
(Crime No.249 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.249 of 2025 on the file of the respondent police.

For Petitioner : Mr.Baalaji for Mr.S.Thirugnanam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.12.2025 for the alleged offences punishable under Sections 103(2) and 126(2) of BNS, 2023 @ 103(1) and 126(2) of BNS, 2023 in Crime No.249 of 2025, registered on the file of the respondent police, seeks bail.



2. The allegation against the petitioner is that he is the father of A2 in this case and that there were frequent quarrel entered between the deceased and A1 & A2. It is alleged that, one day prior to the occurrence, A1 and A2 attacked and assaulted the deceased. It is further alleged that, on the next day morning, after another quarrel, the petitioner waylaid the deceased and repeatedly stabbed him with a knife, causing serious injuries, to which the deceased subsequently succumbed. Hence, a case has been registered and the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that the petitioner is ranked as A1 and that he is in judicial custody since 10.12.2025. He further submitted that the co-accused was granted bail by this Court in CrI.OP.No.2314 of 2026 dated 03.02.2026. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) reiterated the prosecution case and submitted that the petitioner is an instigator and that he was also present along with A2 in the previous occurrence and that the petitioner was arrested and 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.

6. Considering the submissions made by the learned counsel on either



side, though a specific overt act has been attributed against the petitioner in attacking the deceased, considering the period of incarceration and the fact that the occurrence had taken place due to previous enmity and also considering that the petitioner is not having any previous case and that the co-accused was granted bail by this Court in CrI.OP.No.2314 of 2026 dated 03.02.2026, this Court is inclined to grant bail with certain conditions.

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 **Judicial Magistrate No.I, Vellore, Vellore District**, 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 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 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 aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

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

17.02.2026

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,
Vellore, Vellore District.

2.The Inspector of Police,
Vellore South Police Station,
Vellore District.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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