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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.4610 and 4611 of 2026

1.Murugesan

S/o Narasimman

2.Nagaraj

S/o Vadivelu

... Petitioners in Crl.O.P.No.4610 of 2026

3.Moorthi

S/o Paramasivam

... Petitioner in Crl.O.P.No.4611 of 2026

-VS-

State Rep by,

The Inspector of Police,

Hogenakkal Police Station,

Dharmapuri District.

(Crime No.137 of 2025)

... Respondent in both the Crl.O.P's

Common Prayer:- These Criminal Original Petitions are filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.137 of 2025 on the file of the respondent police.

(In both petitions)

For Petitioner : Mr.D.Thirumoorthy

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.12.2025 for the alleged offence punishable under Section 194 of BNS, Act 2023 @ 103(1) of BNS, Act 2023 in Crime No.137 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against the petitioners is that A1 and the deceased were friends. It is alleged that, due to financial difficulties, the deceased had borrowed a sum of Rs.40,000/- from A1, but thereafter repaid only Rs.15,000/- and failed to return the balance amount. It is further alleged that the deceased misbehaved with A1's daughter. When the same was questioned, the petitioner/A1, along with A2 and A3, allegedly attacked the deceased after consuming liquor and removed the internal organs of the deceased. Initially, a case was registered under Section 194 of BNS, which was subsequently altered to Section 103(1) of BNS. Hence, the present case has been registered and the petitioners were arrested..

3.The learned counsel appearing for the petitioners submitted that since the deceased has misbehaved with the daughter of A1, the occurrence has



taken place and now investigation is completed and final report is also filed and the petitioner is ready to co-operate with the trial process.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that 10 previous cases and 16 previous cases are pending against the first and second petitioners in Crl.O.P.No.4610 of 2026. There is no previous case pending against the petitioner/ A3 in Crl.O.P.No.4611 of 2026 He further submitted that though investigation is completed and final report is filed. However, considering the serious nature of offence he opposed for grant of bail to the petitioners.

5. Considering the nature of the allegations and also considering the antecedents of the petitioners in Crl.O.P.No.4610 of 2026, this Court is not inclined to grant bail to them. Hence Crl.O.P.No.4610 of 2026 is dismissed.

6. Considering the submissions made by both sides; that there is no previous case pending against the petitioner/A3 in Crl.O.P.No.4611 of 2026 and he is not the main accused in this case; taking note of all other factors and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner/A3 in Crl.O.P.No.4611 of 2026 with certain conditions:



7. Accordingly, the petitioner/A3 in CrI.O.P.No.4611 of 2026 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, for a like sum to the satisfaction of the *learned District Munsif cum Judicial Magistrate, Pennagaram* 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/A3 in CrI.O.P.No.4611 of 2026 shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner/A3 in CrI.O.P.No.4611 of 2026 shall not abscond either during investigation or trial;

[d] the petitioner/A3 in CrI.O.P.No.4611 of 2026 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



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against the **petitioner/A3 in Crl.O.P.No.4611 of 2026** in accordance with law as if the conditions have been imposed and the **petitioner/A3 in Crl.O.P.No.4611 of 2026** 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.

25.02.2026

smn

To

1. The District cum Judicial Magistrate, Pennagaram

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

3. The District Jail, Dharmapuri

4. The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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