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CrI.OP.No. 5366 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL OP NO. 5366 of 2026

Selvam

Petitioner

Vs

The State rep. by

The Inspector of Police

Chunambedu Police Station,

Chengalpattu District,

(Crime No.184 of 2025)

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest pending investigation in Cr.No. 184 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.Sarath Kumar

For Respondent : Mr.S.Vinoth Kumar

Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.01.2026 for the alleged offences under Section 191(2), 191(3), 296(b), 326(b), 109(2) of BNS r/w. Section 4 of TNPPDL Act, in Crime No.184 of 2025 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 29.05.2025, during night hours, while the defacto complainant and his family members were sleeping in their house, due to land dispute, the petitioner along with others entered into the defacto complainant's house, poured kerosene on the house, set fire to the house and locked the door.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody for more than 22 days since 12.01.2026, He further submitted that the co-accused has already been granted bail. Hence, he submitted that this is a fit case in which the petitioner may be enlarged on bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there are eight previous case against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.



6. From the submission made by the learned Government Advocate this is an act of setting fire and also attempt to murder the defacto complainant. However, learned Government Advocate would fairly submit that there no injuries to the defacto complainant. Apart from that while looking into facts as against A1, A3 and A4, the District Court itself has granted bail on 10.07.2025 which factum was not seriously disputed by the learned Government Advocate. Looking at the date of occurrence which is on 29.05.2025, and the date of arrest of the accused on 12.01.2026, at this length of time, there cannot be any necessity for custodial interrogation. But the learned Government Advocate strongly opposed the bail application on the ground that there are eight previous cases against this petitioner. But those cases are not much serious to look at as an aggravating circumstances. Hence, this Court is inclined to grant bail to the petitioner with stringent conditions.

7. 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) each, with two sureties each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Cheyyur**, and subject to the following conditions:



[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 report before the respondent police twice a day at 10.00 AM & 5.30 PM for a period one month and thereafter morning at 10.30 AM alone for a period of two weeks and 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 aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;



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[f] if the petitioners thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

03.03.2026

mtl

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 District Munsif cum Judicial Magistrate, Cheyyur.
- 2.The Inspector of Police
Chunambedu Police Station,
Chengalpattu District.
- 3.The Superintendent, Sub Jail, Chengalpattu.
- 4.The Public Prosecutor, High Court of Madras.



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