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CRL OP No. 7603 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7603 of 2026

Jothi

..Petitioner(s)

Vs

The State rep. by
The Inspector of Police
B1 Police Station, Dharmapuri.
Dharmapuri District.
(Crime No.16 of 2016)

..Respondent(s)

Criminal Original Petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the Petitioner on Bail in connection with Crime No.16 of 2026 on the file of the Respondent Police, on such terms and conditions as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Mr.J.Prakasam

For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)

ORDER

This is the second bail application filed by the petitioner before this court.



2. The petitioner, who was arrested and remanded to judicial custody on 13.01.2026 for the alleged offences under Sections 103, 191(2), 61(2), 126(2), 87 and 238 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.16 of 2016 on the file of the respondent police, seeks bail.

3. The allegation against the petitioner is that, due to previous enmity, he, along with the other accused, attacked the defacto complainant, causing his death. Hence, the case.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case and that he has been in judicial custody since 13.01.2026. It is further submitted that the petitioner is willing to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for the grant of bail.

5. The said contention was strongly opposed by the learned Government Advocate (Crl. Side) appearing for the respondent, who submitted that the petitioner is the kingpin and the root cause of the occurrence. It is further submitted that the petitioner, along with the other accused, after committing the murder, disposed of the body by throwing it into a lake and that the investigation is still pending.



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

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7. Though the learned Government Advocate (Crl. Side) strongly opposed the grant of bail, considering the period of incarceration undergone by the petitioner since 13.01.2026, and taking into account the overall facts and circumstances of the case, the stage of the investigation, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

8. 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 Judicial Magistrate Court No.I, Dharmapuri, 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 10.30 a.m. and 05.30 p.m. until further orders and no relaxation petition shall be entertained for a period of 60 days;

[c] the petitioners 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 petitioners in accordance with law as if the conditions had been imposed and the petitioners 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]***;

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

25-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Jeni

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 Court No.I, Dharmapuri.
- 2.The Superintendent, Sub Prison For Women, Salem.
- 3.The Inspector of Police
B1 Police Station, Dharmapuri.
Dharmapuri District.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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