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CRL OP No. 11991 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 11991 of 2026

C . Alagesan

..Petitioner(s)

Vs

State rep by the Inspector of Police
Komarapalayam Police Station,
Crime No. 124 of 2026
Namakkal District.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to grant Anticipatory Bail to the petitioner in the event of his arrest in connection with the case in Crime No. 124 of 2026 pending investigation on the file of the respondent police and thus render justice .

For Petitioner(s): Mr.M.Adhishree

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

The petitioner / Accused 8, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 109, 126(2), 191(3), and 296(b) of the BNS, and Section 9(B)(1)(b) of the Explosive Act, 1884, in connection with Cr. No. 124 of 2026, seeks anticipatory bail.

2.The case of the prosecution is that on 11.04.2026 at about 09.00 p.m.,



the de-facto complainant, A. Ramesh, was waiting outside a public toilet at Palakkarai after election campaigning. A group of accused persons confronted him, questioned him regarding police information, and A-1 allegedly threw chilly powder on his face. Concurrently, A-2 and A-3 attacked him with an 'Aruval' on his head and hands, while A-1, A-4, and A-7 joined the assault. As the complainant fled, A-6 hurled an explosive substance at him. The complainant was subsequently rescued by onlookers and treated at the Government Hospital, Komarapalayam, and KMCH Hospital, Erode. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is completely innocent and has been falsely roped into this case due to political rivalry during the assembly election. He submits that a bare reading of the FIR reveals that all specific overt acts and allegations are directed exclusively against A-1 to A-7, with no role or overt act attributed to the petitioner (A-8). He further submits that the petitioner is a severe cancer patient undergoing chemotherapy for colon carcinoma at Gem Hospital, Coimbatore since March 2023, and his mobility is heavily restricted. It is also stated that the injured person has already been discharged from the hospital, co-accused A-1 to A-6 have been arrested and remanded, and A-7 was granted station bail. While this is the second petition, the earlier one in Crl. O.P. No. 10080 of 2026 having been dismissed as withdrawn on 21.04.2026, there are no previous cases or bad



antecedents against the petitioner. Hence, he prays for anticipatory bail.

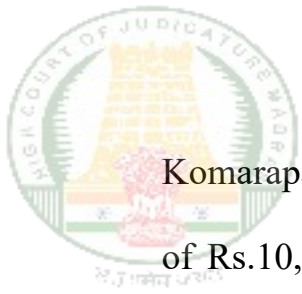
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4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of anticipatory bail, citing the usage of explosive substances and deadly weapons in the conflict. He, however, confirms that the injured person has been discharged from the hospital, co-accused A-1 to A-6 are already under judicial remand, and that no previous cases are pending against this petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the rival submissions on either side, the nature of the offences, and the medical condition of the petitioner who is undergoing treatment for colon carcinoma, and taking note of the fact that no specific overt acts are attributed to the petitioner in the FIR, the injured person has been discharged from the hospital, and there are no previous cases pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to reporting conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate,



Komarapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond 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 abscond, a fresh FIR can be registered under Section 269 B.N.S. 2023.

13-05-2026

SHA/MKA



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,
Komarapalayam.
2. The Inspector of Police
Komarapalayam Police Station,
3. The Public Prosecutor,
Madras High Court,
Chennai.



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P.DHANABAL, J.

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