



WEB COPY

CRL OP No. 12771 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 12771 of 2026

1. Barathvishnu

2. Thirumurugan

..Petitioners

Vs

State represented by
The Inspector of Police,
Sankari Police Station,
Salem.
(Crime No.153 of 2026)

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioners on Bail in the
event of arrest in the Crime No 153 of 2026 on the file of the respondent police

For Petitioners:

Mr.B Vetrivel

For Respondent:

Mr.N.Palanivel
Government Advocate
(Criminal Side)

ORDER

The petitioners apprehends arrest for the alleged offence under Sections
191(2), 296(b), 109(1) @ 191(2), 296(b), 103(1) of BNS 2023 in Crime No.153



of 2026 on the file of the respondent police seeks anticipatory bail.

WEB COPY

2. The case of the prosecution is that the deceased after consuming alcohol in a Bar spat against other persons and in this connection, there was an altercation and according to the FIR, A1 to A6 assaulted the deceased and thereby deceased initially sustained grievous injury and was admitted in hospital on 10.04.2026 and further not responding to the treatment died on 23.04.2026. Thereafter, charge was altered from 109 BNS to 103 BNS.

3. The learned counsel for the petitioners submitted that according to the FIR, there was no overt act against the petitioners. The only allegation against these petitioners are they being the owner of the Bar, did not take steps to prevent such incident. The petitioners has not taken any steps to give treatment to the deceased. Except this, there are no other allegation. In respect of the same, he relied by the averment made in the FIR, where it has been referred that the de facto complainant, who is the wife of the victim, a hearsay witness, has stated that these petitioners has not taken any steps to safeguard the deceased. and that there is also vague reference that he has exhorted the incident. In the present case, A1 to A6 and A9 have already been enlarged on bail. A9 is none other than the son of A8/ 2nd petitioner. Hence, he prayed to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, fairly submitted that A1 to A6 were already been enlarged on bail. He further submitted that investigation is still pending. Hence, he opposed the grant to anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, taking note of the submissions made by the learned counsel on both sides, though the learned Government Advocate (Criminal Side) strongly opposed the bail application, and submitted that the investigation is pending, this Court is of the firm view that A1 to A6 have already been enlarged on bail and that though it is a serious offence of murder under section 103 BNS, while reading the FIR, there are no overt act played against these petitioners except the reference that he has not taken any steps to safeguard the deceased. Therefore, as rightly contended by the learned counsel for the petitioners, there are no *prima facie* materials so as to implicate the petitioners under Section 103 BNS. Hence, this Court is of the firm view that custodial interrogation of the petitioners is not required. Thus, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the



event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial**

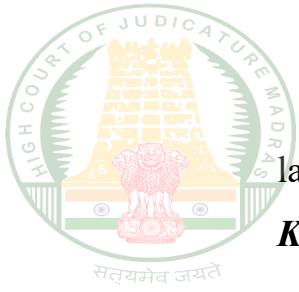
Magistrate, Sankari, on condition that **the petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

(c) The petitioners shall report before the respondent Police, everyday at 10.30 a.m., and 05.30 p.m for a period of thirty days and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as



laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

WEB COPY

(e) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

02-06-2026

SHL

To:

1. The Judicial Magistrate,
Sankari

2. The Inspector of Police,
Sankari Police Station,
Salem.

3. The Public Prosecutor
High Court of Madras



WEB COPY

CRL OP No. 12771 of 2



C.KUMARAPPAN J.

SHL

CRL OP No. 12771 of 2026

02-06-2026