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CRL OP No. 12671 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12671 of 2026

Barath

S/o Kubendiran, Rice Mill Street
Pasmarpanda Village, Aravatla Post
Pernambut Taluk, Vellore District.

..Petitioner

Vs

State rep by its, Inspector of Police,
Pernambut Police Station
Pernambut Taluk, Vellore District.
(Crime No.132 of 2026)

..Respondent

Prayer : Petition filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in connection with the Crime No.132 of 2026 on the file of the Respondent pending investigation on the file of the respondent police and thus render justice.

For Petitioner :

Mr.K.M.Kanishkaran

For Respondent :

Mr.S.Balaji

Government Advocate (Crl.Side)

Order

The petitioner / Accused, who was arrested and remanded to judicial custody on 17.04.2026 on the file of the respondent police for the offences



punishable under Sections 191(2), 191(3), 115(2), 326(g), 324(5) and 332(c) of BNS, 2023 in connection with the Cr. No.132 of 2026, seeks bail.

2. The case of the prosecution is that the defacto complainant has given a complaint before the respondent police stating that the petitioner along with others unlawfully entered into her house, assaulted her and her daughter-in-law and damaged household articles, set fire to the house and hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is the innocent person and he is in incarceration since 17.04.2026 and the respondent police have registered a false case as against the petitioner. He would further submit that the petitioner is not a named accused in the FIR and he has not committed any offence as alleged by the prosecution. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police while reiterating the prosecution case, strongly opposed the bail petition stating that the petitioner along with other accused set fire to the house of the defacto complainant, assaulted her, damaged house hold articles and caused injury to the defacto complainant. However, he fairly submitted that injured was discharged from the hospital.



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

6. Considering the rival submissions on either side, the nature of offences, the fact that the petitioner is not a named accused in the FIR and that the injured was discharged from the hospital and also considering the period of incarceration undergone by the petitioner from 17.04.2026, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 **Judicial Magistrate, Gudiyatham, Vellore District** and on further conditions that:

[b] the petitioner shall report before the respondent police every day at 6.30 a.m., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

14-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST / MJS

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.



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To

1. The Judicial Magistrate, Gudiyatham, Vellore District.
2. The Inspector of Police,
Pernambut Police Station
Pernambut Taluk, Vellore District.
3. The Public Prosecutor, High Court of Madras, Chennai.



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P.DHANABAL J.

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