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CRL OP No. 13701 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13701 of 2026

T. Harihara Prasad

..Petitioner

Vs

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

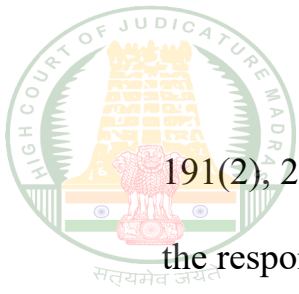
..Respondent

Prayer: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, to enlarge the petitioner on bail in Crime No.153 of 2026 on the file of the respondent police.

For Petitioner:	Mr. S. Vinoth Kumar for Mr. A. Kuppusamy
For Respondent:	Mr. N. Palanivel, Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2026 for the alleged offence under Sections 191(2), 296(b), 109(1) @



191(2), 296(b) and 103(1) of BNS, 2023 in Crime No.153 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the deceased after consuming liquor in a Bar, spit against the other persons present in the Bar, this was questioned by the other persons who were consuming liquor and in furtherance thereof there was some altercation and in such altercation, the deceased sustained head injury and was admitted in hospital on 10.04.2026. Initially, an FIR came to be registered under section 109 BNS. Subsequently, he died on 23.04.2026. Thereafter the charge was altered to 103 BNS.

3. The learned counsel for the petitioner submitted that the petitioner has been arrayed as A9. He further submitted that the petitioner is a college going student and he has been arrayed as an accused only upon the ground that he being partner in the Bar and there are no specific overt act alleged against this petitioner, except, the allegation that he did not take any steps to protect the deceased. The learned counsel for the petitioner further submitted that the petitioner has been falsely implicated in this case. He further submitted that the petitioner has been incarcerated since 11.04.2026 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution's case and, upon instructions, submitted that the investigation has been completed. However, he opposed to grant bail to the petitioner.

5. I have considered the submissions made on both sides and also perused the records available.

6. Considering the facts and circumstances of the case; taking note of the submission made by the learned Government Advocate (Crl.Side); taking into consideration of the totality of the circumstances and upon the fact that the petitioner has been incarcerated since 11.04.2026 and the limited overt act played by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain 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)** with **two sureties each**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Sankari**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship



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[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 learned respondent police daily at 10.30 a.m., and 05.30 p.m for the period of sixty days and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

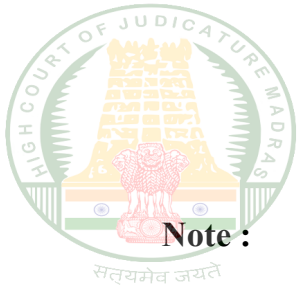
[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

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Note :

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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,
Sankari.

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

3. The Superintendent
Salem Prison

4. The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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