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CRL OP No. 13870 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. 13870 of 2026

1. Chinnappan
2. Sakthivel

..Petitioners

Vs

State rep. by
The Inspector of Police
Valappady Police Station,
Salem District.
Crime No.138 of 2026

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners on bail in Crime No.138 of 2026 on the file of the Inspector of Police, Valappady Police Station, Salem District.

For Petitioners:

Mr.B.Vasudevan

For Respondent:

Mr.N.Palanivel,
Govt.Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.04.2026 for the alleged offences under Sections 103(1), 201, 238 and 49 of BNS in Crime No.138 of 2026 on the file of the respondent police, seek bail.



2. The case of the prosecution is that on 23.03.2026, the deceased demanded money from his mother (A1) and quarrelled with her. A1 pushed the deceased down and caused injury on the head of the deceased using stone and caused death. Hence, the case.

3. The learned counsel for the petitioner submitted that initially an FIR was registered as man missing case and subsequently, found the body of the deceased and these petitioners have been arrayed as Accused. The learned counsel for the petitioner submitted further that A1 is the mother of the deceased, while the petitioners, A2 and A3, are the father and brother-in-law of the deceased. According to the prosecution case, the deceased committed sex torture against her mother. Enraged and got infuriated by such abhorrent conduct, A1 pushed the deceased down and attacked him with stone. The learned counsel further submitted that even according to the prosecution, the allegation against these petitioners is that they buried the body without informing the Police. Hence, he prays to grant bail to the petitioners.

4. At this juncture, the learned Government Advocate (Criminal Side) submitted the CD file before this Court and on perusal of the same, there is allegation against the deceased that he had misbehaved with his mother and thereby, A1 has murdered the deceased. After the incident, A1 informed the



petitioners and in furtherance thereof, these petitioners came to the scene of occurrence to screen the evidence. Hence, 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) and on perusal of the CD file, and as rightly contended by the learned counsel for the petitioner, even according to the prosecution, the allegation against the petitioners is screening of evidence and not even allegation of murder. Hence, considering the totality of the circumstances, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 District Munsif cum Judicial Magistrate, Valappady**, 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 petitioners shall report before the learned respondent police daily at 10.30 a.m., and 05.30 p.m for the period of 30 days and thereafter, as and when required for interrogation;

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

[d] the petitioners 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 petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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.

SHL

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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 District Munsif cum Judicial Magistrate, Valappady

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

3. The Superintendent,
Central Prison, Salem

4. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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