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CRL OP No. 13879 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. 13879 of 2026

E. Hariharan

..Petitioner

Vs

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

..Respondent

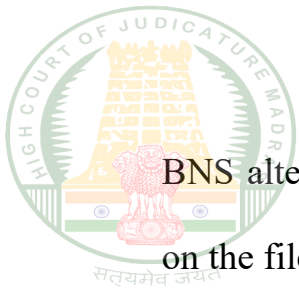
Prayer: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, to enlarge the petitioner on bail in connection with the case in Crime No. 153 of 2026 pending investigation on the file of the respondent police.

For Petitioner: Mr. A. Saravanan

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 296(b), 191(2) and 109(1) of



BNS altered into 296(b), 191(2) and 103(1) of BNS 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, spat at other persons present there, when this was questioned by other persons who were consuming liquor, there was an 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 A6 and further submitted that there were no weapons used and the entire occurrence took place in a Bar in a sudden provocation. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in custody 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.

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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 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 -I, Sankari**, and on further conditions that:

[a] 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



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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;

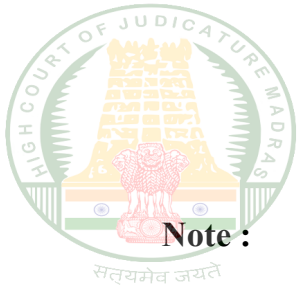
[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[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 No.I,
Sankari.
- 2.The Inspector of Police,
Sankari 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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