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Crl.O.P.No.15382 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.15382 of 2026

Dinesh

... Petitioner(s)

Vs.

The State rep. by
The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
Crime No.105 of 2026

... Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail concerned in Crime No.105 of 2026 pending on the file of the respondent police.

For Petitioner(s) : Mr.R.Thirumoorthy

For Respondent(s) : Mr.S.Yogaraja Sekar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.04.2026 for the alleged offences under Sections 296(b), 118(1) and 109 of the Bharatiya Nyaya Sanhita, 2023, subsequently altered to Sections 296(b), 118(1) and 103(1) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.105 of 2026 on the file of the respondent police, seeks bail.



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2. It is the case of the prosecution that there are totally three accused. Accused Nos.2 and 3 are the father-in-law and mother-in-law of the deceased, and the petitioner herein is the brother-in-law of the deceased. According to the prosecution, there were matrimonial disputes between the petitioner's sister and the deceased. It is alleged that, on account of the said dispute, a wordy quarrel ensued between the petitioner and the deceased, during which the petitioner abused the deceased and attacked him with a knife and wooden logs, resulting in his death. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. He would further submit that the petitioner has been in custody since 21.04.2026 and is ready to abide by any stringent conditions that may be imposed by this Court. It is the specific submission of the learned counsel that the co-accused have already been enlarged on bail vide order dated 02.06.2026 passed by this Court in Crl.O.P.No.12335 of 2026, which fact was not seriously disputed by the learned Government Advocate (Crl. Side). Hence, he prayed for the grant of bail on the ground of parity.



4. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of bail to the petitioner, reiterated the prosecution case and, on instructions, fairly submitted that a major portion of the investigation has already been completed and that the petitioner has no bad antecedents.

5. While considering the above factual position, though the allegation relates to a murder, this Court takes note of the fact that the occurrence appears to have arisen out of a family dispute, where a wordy quarrel allegedly escalated into an assault. Therefore, considering the period of incarceration undergone by the petitioner, the fact that the co-accused have already been enlarged on bail, the fact that the petitioner has no bad antecedents, and also the fact that a major portion of the investigation has already been completed, this Court is inclined to extend the benefit of parity to the petitioner and enlarge him on bail, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their 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 District Munsif cum Judicial Magistrate Court, Kalasapakkam, and subject to the following conditions:



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[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 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 respondent police twice a day at 10.30 a.m. and 05.30 p.m. until further orders;

[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 take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

29.06.2026

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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 learned District Munsif cum Judicial Magistrate Court, Kalasapakkam
2. The Superintendent, Central Prison, Vellore
3. The Inspector of Police, Kalasapakkam Police Station, Tiruvannamalai
4. The Public Prosecutor, High Court of Madras



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C.KUMARAPPAN,J.

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