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CRL OP No. 15830 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 15830 of 2026

Shivji Kumar

..Petitioner

Vs

State Rep. by the Inspector of Police,
Bagalur police Station,
Krishnagiri District.
Crime No.182/2022

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in S.C.No.132
of 2023 on the file of the Additional Sessions Judge, Krishnagiri.

For Petitioner:

Mr.S.Shanmitha

For Respondent:

Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
03.10.2022 for the alleged offences under Sections 302 & 201 of the Indian
Penal Code, 1860, in Crime No.182 of 2022 on the file of the respondent police,
seeks bail.



2. The case of the prosecution is that the deceased Pankaj Paswan and the petitioner were employed as construction labourers under the defacto complainant. The deceased was the husband of the petitioner's sister. According to the prosecution, the petitioner developed an illicit relationship with the deceased brother's wife and when the deceased and the petitioner's sister came to know about the same, disputes arose. On the basis of the said motive, the petitioner allegedly assaulted the deceased at a construction site on 02.10.2022 while he was asleep, causing fatal injuries.

3. The learned counsel appearing for the petitioner would submit that this is the first bail application before this Court. It is further submitted that the entire case rests upon circumstantial evidence and eight witnesses have already been examined and the last witness was examined on 17.10.2024. The learned counsel would further submit that the petitioner has no criminal antecedents and has been in incarceration since 03.10.2022. It is also submitted that the trial is progressing slowly. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) fairly submitted that the petitioner has no criminal antecedents. However, he opposed the application on the ground that the petitioner is a native of Bihar and if enlarged on bail, there is every possibility of his absconding and thereby affecting the trial.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. From the submission of the learned counsel on either side, it is seen that eight witnesses have already been examined and the last witness was examined on 17.10.2024. Thereafter, there has been no substantial progress in the trial, which fact was not disputed by the learned Government Advocate (Crl.Side). Though the petitioner belongs to Bihar, considering the long period of incarceration undergone by him and the fact that there has been no significant progress in the trial, this Court is of the view that for the purpose of trial, the liberty of a person cannot be curtailed for an unlimited period. Therefore, this Court is inclined to enlarge the petitioner on bail, 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 (out of which one surety must be a blood related surety), for a like sum each to the satisfaction of the learned **Additional Sessions Judge, Krishnagiri**, and subject to the following conditions:

[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;



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[b] the petitioner is directed to stay at Krishnagiri and report before the Trial Court concerned daily at 10.30 a.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 petitioner 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]*;

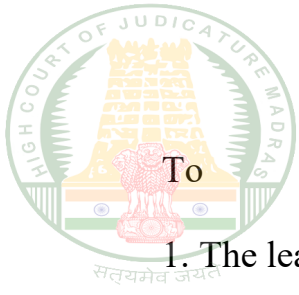
[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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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 learned Additional Sessions Judge, Krishnagiri.
2. Central Prison, Salem.
3. The Inspector of Police, Bagalur police Station,
Krishnagiri District.
4. The Public Prosecutor, High Court of Madras.

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C.KUMARAPPAN, J.

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