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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30975 of 2026

Adhi Kesavan,
S/o.Perumal,
D.No.25/G9, Baladhandayutham Street,
Vendipalayam,
Erode District. ...Petitioner/Accused No.5

Vs

The State by
The Inspector of Police,
Modakkurichi Police Station, ...Respondent/Complainant
Crime No.167 of 2026.

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the Petitioner/Accused No.5 in Crime No.167 of 2026 on the file of the Respondent.

For Petitioner(s): Mr.R.Radha Pandian
For Respondent(s): Mr.M.M.I.Khaleel,
Govt.Advocate (Crl.Side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 06.09.2026 for the alleged offences under Sections 109(1), 191(2), 191(3), 296(b), 351(3) of BNS, in Crime No.167 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner and the other accused are alleged to be gangsters and that there was previous enmity between the parties. Owing to the said enmity, the petitioner, along with the other accused, allegedly abused the de-facto complainant in filthy language, assaulted him with a knife, caused multiple injuries and threatened him with dire consequences. Hence, a case was registered against them.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case without any basis. It is submitted that the petitioner has been in judicial custody since 06.09.2026 and that the petitioner is ready to cooperate with the investigation. He also further submitted that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that one previous case is pending against the petitioner. He further submitted that the injured was discharged from hospital and the investigation is pending. Hence, he opposed to grant bail to the petitioner.

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

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6. Considering the period of incarceration and the fact that the injured has already been discharged from the hospital, 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, for a like sum each to the satisfaction of the **learned District Munsif-cum-Judicial Magistrate at Elumathur in Modakkurichi,** 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;

[b] the petitioner shall report before the respondent police 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 petitioners in accordance with law as if the conditions had been imposed and the petitioners released on

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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.

23-10-2026

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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 at Elumathur in Modakkurichi

2. The Inspector of Police,
Modakkurichi Police Station,

3.The Superintendent,
Gopichettipalayam District Prison.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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CRL OP No. 30975 of 2026

23-10-2026

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