WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32009 of 2026

CNR: {HCMA012621942026}

Nanthagopal @ Nanthakumar
S/o Pachayappan,
Padagam Village,
Kalasapakkam Taluk,
Tiruvannamalai District

Case QR

..Petitioner(s)

Vs

State rep by the Inspector of police
Mangalam Police Station,
Tiruvannamalai District.
Crime No.90 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in crime no.90 of 2026 pending investigation on the file of the respondent

For Petitioner(s): Mr.Sathiyaraj E.

For Respondent(s): Mr.M.M.I. Khaleel
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.10.2026 for the alleged offences under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3), 103(1) of BNS Act, 2023 in Crime No.90 of 2026 on the file of the respondent police, seeks bail.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. The case of the prosecution is that a civil dispute over a piece of land is pending between the parties before the jurisdictional Civil Court. On 02.08.2026, when the de-facto complainant and his family members proceeded to the spot to question the actions of the accused persons regarding the disputed property, the first accused (A1) and other co-accused formed an unlawful assembly, abused the de-facto complainant and his father, and assaulted them, causing grievous injuries. The specific overt acts of fatal assault are directed against A1 and A2. The injured subsequently succumbed to his injuries while undergoing medical treatment. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner herein are not Accused No.1 (A1) or Accused No.2 (A2), against whom specific, fatal overt acts have been alleged by the prosecution. He further submitted that a long-standing civil dispute is pending between the parties and that the co-accused have already enlarged on bail by this Court in Crl.OP.Nos.25351, 24980, 25390 & 25535 and 29724 of 2026 dated 15.09.2026 and 26.10.2026 respectively. Hence, he prayed for the grant of bail on the ground of parity.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail, submitting that the victim succumbed to the injuries caused during the occurrence. However, he conceded

https://www.mhc.tn.gov.in/judis

WEB COPY

that the primary overt acts of assault resulting in the death are attributed specifically to A1 and A2, and not against the present petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. Considering the facts and circumstances of the case, the existence of a prior civil dispute between the parties, and taking note of the fact that the specific overt acts of fatal assault are directed only against A1 and A2, and that the present petitioner do not face such specific allegation, the fact that the co-accused have already been enlarged on bail by this Court and has already undergone considerable period of incarceration, this Court is inclined to grant bail to the petitioner with 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 to the satisfaction of the **learned Judicial Magistrate, Kalasapakkam, Tiruvannamalai District,** 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

https://www.mhc.tn.gov.in/judis

WEB COPY

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 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.

04-11-2026

DRL

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.

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1.The Judicial Magistrate,
Kalasapakkam, Tiruvannamalai District.

2. The Inspector of police
Mangalam police station,
Tiruvannamalai District.

3. The Superintendent, Central Prison,
Vellore.

4.The Public Prosecutor,
High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.RAMESH, J.

DRL

CRL OP No. 32009 of 2026

04-11-2026

https://www.mhc.tn.gov.in/judis