Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32098 of 2026

CNR: {HCMA012639352026}

Case QR

Tharun
S/o.Sampath,
No.159, D Block, R.R.Nagar,
Kodungaiyur, Chennai.
(Presently confined in Central Prison-Puzhal)

..Petitioner(s)

Vs

The State rep by the Inspector of Police
M-8 Sathangadu Police Staiton,
Tiruvallur District.
Crime No.316/2026.

..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.316 of 2026 by the respondent police.

For Petitioner(s): Mr.P.Muthamizhselvakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.08.2026 for the alleged offence under Sections 109, 296(b), 115(2), 118(1), 351(3) of BNS @ 296(b), 115(2), 118(1), 351(3), 103(1) of BNS @ 191(2), 191(3), 109 of BNS, in Crime No.316 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that, due to previous enmity, on 30.08.2026, at about 9.30 p.m., Lokeshkumar and four others allegedly attacked the defacto complainant and his elder brother Maheswaran with a knife and a wooden log. Both were admitted to Government Stanley Hospital, where Maheswaran succumbed to his head injuries while undergoing treatment. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been in judicial custody since 30.08.2026 and that his name does not find a place in the FIR. The specific allegation against him is that he informed the defacto complainant that Vettu was calling him, and took him to the street corner. Hence, he prays 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 the deceased died two days after being admitted to the hospital. He further submitted that the investigation is still pending. Hence, he opposed the grant of bail to the Petitioner.

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

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6. It is a case of murder arising out of a love affair. The specific allegation against the petitioner is that, he identified the deceased's house and took the defacto complainant from his house to the place of occurrence, where the deceased also joined later. The petitioner was arrested on 30.08.2026 and there is no specific allegation against the petitioner in the alleged offence. The investigation is still pending and the petitioner has no previous case. Considering the nature of the allegations and the period of incarceration already undergone and that the petitioner has no previous case, 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 each**, for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Thiruvottiyur,** 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 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

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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 acc 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.

To

1.The Judicial Magistrate Court,
Thiruvottiyur.
2. The Inspector of Police
M-8 Sathangadu Police Staiton,
Tiruvallur District.
3.The Superintendent, Central Prison,
Puzhal.
4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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