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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.35991 of 2025

Sanjay

... Petitioner

Versus

State rep. by
The Inspector of Police,
M5-Ennore Police Station,
Tiruvallur District,
(Crime No.769 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of B.N.S.S., to enlarge the petitioner on bail in Crime No.769 of 2025 on the file of the respondent police.

For Petitioner : Ms.Swathi

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.11.2025, for the alleged offence punishable under Sections 126(2), 296(b), 115(2), 109, 351(3) of BNS @ Section 103 of BNS in Crime No.769 of 2025, on the file of the respondent police, seeks bail.



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2. The allegation against the petitioner/A2 is that the petitioner joined together with co-accused and due to previous enmity, went to the house of deceased and taken him to the isolated place and attacked him with hands and thereafter, threw stones on his head repeatedly and committed murder of the deceased. Hence the complaint has been lodged.

3. Learned counsel appearing for the petitioner submitted that there is no specific overtact attributed against this petitioner herein and he is not having any previous case and he has been falsely implicated in this case and he has been incarcerated since 06.11.2025 and prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation in this case is pending and this petitioner is not having any previous case. However, he opposes to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on both



sides and considering the fact that the petitioner herein joined together and attacked the deceased with hands and thereafter used stones and caused serious injuries on the head causing death to the deceased and also the fact that the petitioner is not having any previous case and the considering the 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 separate bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** each, with two sureties, for a like sum to the satisfaction of the *learned Judicial Magistrate, Tiruvottiyur*, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Villupuram and report before the learned Judicial Magistrate No.1, daily at **10.30 a.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

07.01.2026

gv

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,
Tiruvottiyur.
2. The Inspector of Police,
M5-Ennore Police Station,
Tiruvallur District,
3. The Superintendent,
Central Prison, Puzhal Jail-1, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

gv

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