



CRL OP(MD). No.2446 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/02/2026

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THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.2446 of 2026

Nithish Kumar,

... Petitioner

Vs.

The State of Tamilnadu,
Rep by the Inspector of Police,
Alagappapuram Police Station,
Sivagangai.
Crime No.95/2025

... Respondent

Petition filed under Section 482 BNSS.

PRAYER :- For Bail in Crime No.95/2025 on the file of the respondent Police.

For Petitioner : Mr.M.Sathiyaseelan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.10.2025 for the offences punishable under Sections 49, 191(2), 191(3) and 103(1) of BNS altered into Sections 61(2), 49, 191(2), 191(3) and 103(2) of BNS, 2023, in Crime No. 95 of 2025, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the defacto complainant's son Pazhaniappan, an engineer engaged in construction activities near Pon Nagar, was brutally assaulted by the petitioner and two henchmen allegedly at the instigation of Muthuraman, Subbiramani, Santhakumar, Raja, Ganesan, Ramasamy, Ramakrishnan and Arunageethan, due to prior enmity between her son and the said Ramasamy. It is alleged that the de facto complainant rushed to the hospital upon being informed by one Balaji, only to learn that her son had succumbed to a fatal head injury. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is arrayed as A7 after alteration report and he has two previous cases. The specific overt act against the petitioner is that he is a henchmen engaged by co-accused. He further submitted that charge sheet filed through e-filing and he opposed for grant of bail to the petitioner.



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5. Taking into consideration of the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi, and on further conditions that :-

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall stay at Tirunelveli and shall report before the Inspector of Police, Tirunelveli Town Police Station, Tirunelveli daily twice ie. morning at 10.30 a.m., evening at 05.30 pm, until further orders; no relaxation petition will be entertained for next three months;

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



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[d] the petitioner shall not abscond 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 BNS.

09.02.2026

LS

TO

1. The Judicial Magistrate, Karaikudi.

2. The Inspector of Police,
Alagappapuram Police Station, Sivagangai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.



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