



CrL.O.P(MD).No. 5435 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.03.2026

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD)No.5435 of 2026

Esakkimuthu @ Muthu

... Petitioner/
Sole Accused

Vs

The State of Tamil Nadu,
Represented by
The Inspector of Police,
Alwarthirunagari Police Station,
Alwarthirunagari,
Thoothukudi District.
(In Crime No.165 of 2025)

... Respondent/
Complainant

For Petitioner : Mr.N.Pragalathan

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.165 of 2025 on the file of the respondent police



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 23.12.2025 for the offences punishable under Sections 296(b), 103(1) and 351(3) of BNS, in Crime No.165 of 2025, on the file of the respondent police, seeks bail.

2. The petitioner and the defacto complainant are neighbours. The petitioner is a college student, and his father had passed away a few years prior to the occurrence. About one year prior to the incident, the petitioner had borrowed a sum of Rs.10,000/- from the defacto complainant. One week prior to the occurrence, the deceased demanded repayment of the said amount. Allegedly aggrieved by such demand, on 22.12.2025 at about 17:45 hours, when the deceased and the defacto complainant were standing in front of their residence, the petitioner is stated to have approached the spot and attacked the deceased with an aruval. Due to the said attack, the deceased sustained grievous injuries and succumbed to the same. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case in Crime No.165 of 2025 for offences punishable



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under Sections 296(b), 103(1), and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned counsel appearing for the petitioner submitted that the petitioner was arrested on 23.12.2025 and a false case has been registered against the petitioner. He further submitted that there was no incriminated material available against the petitioner to frame the charges under Section 302 of IPC. Hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions would submit that investigation is going on and there is no previous case pending as against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Considering the nature of the allegations that the petitioner even as per the FIR there is a money dispute and there is no previous case pending against the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the certain conditions:



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6. Accordingly, the 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 Court No.II, Srivaikundam, Thoothukudi District 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 report before the respondent police daily at 10.30 a.m until further orders;

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

[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 is 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



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Kerala [(2005)AIR SCW 5560].

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

(K K R K J)

17.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate Court No.II,
Srivaikundam,
Thoothukudi District.
- 2.The Superintendent,
Central Jail,
Palayamkottai,
Tirunelveli District.
3. The Inspector of Police,
Alwarthirunagari Police Station,
Alwarthirunagari,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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Order made in
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