



CRL OP(MD). No.8143 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.05.2026

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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1.Kalpesh

2.Padaiyappa @ Aswinkumar

... Petitioners / A1 and A2

Vs.

The State of Tamilnadu,
Rep by the Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.384 of 2025)

... Respondent / Complainant

PRAYER :- Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioners on bail in S.C.No.38 of 2026 on the file of the learned Principal District and Sessions Judge, Trichy.

For Petitioners : Mr.SMA.Jinnah

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



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ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 03.09.2025 for the offences punishable under Sections 103(1), 351(3) and 238(a) of the Bharatiya Nyaya Sanhita, 2023, which were subsequently altered to Sections 103(1), 351(3), 238(a), 49 and 191(3) of the Bharatiya Nyaya Sanhita, 2023, in S.C. No.38 of 2026 on the file of the learned Principal District and Sessions Judge, Tiruchirappalli, arising out of Crime No.384 of 2025 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 02.09.2025, the defacto complainant had gone to Kalpaarai for her work, as she was employed as a daily wager. After completing her work, she was waiting at Kolakudi bus stop to return home. At that juncture, her cousin, one Kartheeshwaran, came to the bus stop and took her on a two-wheeler. While both of them were on their way home, near Mullipadi bus stop, they witnessed two persons assaulting an individual with a sickle. At that time, the defacto complainant heard her mother screaming that some



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persons were killing her son-in-law. Shocked by the same, the defacto complainant rushed to her mother and enquired about the incident. On such enquiry, she came to know that the accused persons had attacked and murdered her husband and were carrying his severed head in their hands. Thereafter, a crowd gathered at the place of occurrence and, taking advantage of the situation, the accused persons fled from the scene. Hence the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. He further submitted that the petitioners have been in judicial custody from 03.09.2025. He further submitted that the co-accused has already been granted. Hence, he prayed for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that there are totally 6 accused persons in this case and the petitioners have been arrayed as A1 and A2. He further submitted that this is a case of retaliation murder and that the offences committed by the accused



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persons are serious in nature. He further submitted that A1 has 3 previous cases to his credit and had already been detained under Act 14 of 1982, which was subsequently revoked, whereas A2 has no previous antecedents. Therefore, he opposed the grant of bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case, the fact that the co-accused have already been released on bail by this Court, and also the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thottiyam, Trichy, and on further conditions that :-

[a] the petitioners 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.



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders. They have to co-operate for the investigation.

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

[d] the petitioners 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 Kerala [(2005)AIR SCW 5560].

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

(S S Y J)
06.05.2026

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To

- 1.The Principal District and Sessions Judge,
Trichy.
- 2.The District Munsif cum Judicial Magistrate,
Thottiyam,
Trichy.
3. The Superintendent,
Central Prison,
Trichy.
- 4.The Inspector of Police,
Thottiyam Police Station,
Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

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