



CRL OP(MD). No.9026 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

CRL OP(MD)No.9026 of 2026

Sakthivel

... Petitioner / A5

Vs.

The State of Tamilnadu,
Rep by the Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.155 of 2025)

... Respondent / Complainant

PRAYER :- Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioner on bail in S.C.No.160 of 2025 on the file of the learned Additional District Court, Sivagangai arising out of Crime No.155 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.Dhanush

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



CRL OP(MD). No.9026 of 2026

ORDER : The Court made the following order :-

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The petitioner/A5, who was arrested and remanded to judicial custody on 21.03.2025 for the offences punishable under Sections 191(2), 191(3), 126(2), 109(1) and 103(2) of the Bharatiya Nyaya Sanhita, 2023, which were subsequently altered to Sections 191(2), 191(3), 126(2), 109(1), 103(2), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, in S.C.No.160 of 2025 on the file of the learned Additional District Court, Sivagangai, arising out of Crime No.155 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was previous enmity between the father of the first accused and one Prakash, as a result of which, the said Prakash and his henchmen have murdered the father of the first accused. In retaliation, on 21.03.2025, the petitioner along with some other accused persons have murdered the son of the defacto complainant. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as



CRL OP(MD). No.9026 of 2026

alleged by the prosecution. He further submitted that the petitioner has been in judicial custody from 21.03.2025. He further submitted that the co-accused have already been granted bail by this Court in Crl.OP(MD).Nos.3592 of 2026 and 4532 of 2026 dated 27.04.2026. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner has been arrayed as A5. He confirmed the fact that the co-accused have already been granted bail by this Court in Crl.O.P.(MD) Nos.3592 of 2026 and 4532 of 2026, dated 27.04.2026. He further submitted that the petitioner has 2 previous cases to his credit and, therefore, opposed the grant of bail.

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 petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.



CRL OP(MD). No.9026 of 2026

6. Accordingly, this Criminal Original 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 Additional District Judge, Sivagangai, 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 Trial Court on all working days 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



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CRL OP(MD). No.9026 of 2026

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 of BNS, 2023.

(S S Y J)
06.05.2026
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To

- 1.The Additional District Court,
Sivagangai.
- 2.The Officer-in-Charge,
District Jail,
Theni District.
- 3.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CRL OP(MD). No.9026 of 2026

S.SRIMATHY,J.

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ORDER
IN
CRL OP(MD) No.9026 of 2026

Date : 06.05.2026
(2/2)