

(2026) 12 MAD CK 0002

Madras HC

Case No: Criminal Original Petition No. 34458 Of 2025

Muniraj And Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Dec. 16, 2026

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023-Section 61(2), 109(1), 269
- Arms Act, 1959-Section 25(1)(a)

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: A. Balamurugan, A. Gopinath

Judgement

K. Rajasekar, J

1. The petitioners, who were arrested and remanded to judicial custody on 16.11.2025 for the offences punishable under Section 109(1), 61(2) of BNS and Section 25(1)(a) of Arms Act in Crime No.487 of 2025, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that, the defacto complainant in this case was earlier involved in a murder case in Crime No.364 of 2025 on the file of the respondent police and he was granted bail in that case; that whileso on 11.11.2025, when the defacto complainant was returning to his home, the petitioners herein, who conspired with other accused came in a car with knife, which was driven by A5 in a rash and negligent manner, hit the defacto complainant; that thereby, the defacto complainant sustained grievous injuries and fracture on his left leg; that thereafter, the defacto complainant was taken to hospital and subsequently complaint was lodged before the respondent police. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and they are in judicial custody since

16.11.2025; that the petitioners herein have no previous cases; and that the petitioners are ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioners reiterated the prosecution case and submitted that the car used in the aforesaid offence was driven by A5 and the petitioners herein are arrayed as A1 to A3 in this case; that the petitioners have no previous antecedents; that the defacto complainant sustained grievous fracture on his leg and he was discharged from the hospital; and that the investigation of the case is pending.

5. Considering the submissions made, facts and circumstances of the case, the fact that the petitioners have no previous antecedents, the injured discharged from the hospital and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate - II, Hosur and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall stay at Trichy and report before the learned Judicial Magistrate-I, Trichy daily at 10:30 a.m., until further orders;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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)13 SCC 283];

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