

(2025) 12 MAD CK 0012

Madras HC

Case No: Criminal Original Petition No. 34169 Of 2025

Kannan @ Murugeshan

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Dec. 17, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023-Section 115(2), 269, 296(b), 351(3)
- Arms Act, 1959-Section 25(1A)

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: P.Thinesh, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 08.10.2025 for the alleged offence under Sections 296(b), 115(2) and 351(3) of BNS and section 25(1A) of Arms Act in Crime No.577 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to quarrel, the petitioner abused the defacto complainant, attacked and threatened him with dire consequences. Hence the present case was registered against the petitioner and is in judicial custody from 08.10.2025.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in judicial custody since 08.10.2025. He further submitted that for the very same occurrence counter case has been registered against the defacto complainant. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that totally 3 accused in this case, the petitioner is ranked as A1, the petitioner is having 5 previous cases and that no one was injured in this case.

Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, the fact that, though it is reported that the petitioner is having 5 previous cases, in this case no one was injured; and it is also stated that for the very same occurrence counter case is also registered against the defacto complainant, and this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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-IV, Tiruppur, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before Trial Court daily at 10.30 a.m., for a period of four weeks.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness 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 B.N.S.