

(2026) 02 MAD CK 1669

In the Madras High Court

Case No : Criminal Original Petition No. 2247 Of 2026

Nagaraj

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 02-02-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 109(1), 115(2), 118(1), 296(b), 191(2), 191(3), 269, 309(5), 329(4), 351(3)

Citation : (2026) 02 MAD CK 1669

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : D. Balaji, A.Gopinath

Judgement

K. Rajasekar, J

1. The petitioner is an accused in S.C.No.125 of 2025 on the file of the II Additional District Court, Arakkonam Ranipet District. The petitioner, who was arrested and remanded to judicial custody on 21.05.2025, for the alleged offence punishable under Sections 191(2), 191(3), 329(4), 296(b), 115(2), 118(1), 109(1), 309(5), 351(3) of BNS Act, 2023 in Crime No.348 of 2025 on the file of the respondent police seeks bail.

2. The allegation against the petitioner is that while he was in prison, due to previous enmity, he instigated the other accused to attack the defacto complainant in this case. Accordingly, the other accused went to the place of occurrence and attacked the defacto complainant with a knife, causing severe injuries. Based on the confession statement of the arrested accused, the petitioner who was in prison was arrayed as accused and the petitioner was arrested.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case, since he has got some previous cases. He further submitted that based on the confession

statement of the arrested accused, the petitioner was added as an accused in this case and that there is no other material to connect him with the alleged offence. Hence, he prayed to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the similarly placed co-accused was released on bail by this Court in Crl.OP.No.630 of 2026 on 12.01.2026. He further submitted that the investigation is completed and the final report filed and the same was taken on file in SC.No.125 of 2025. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, considering the period of his incarceration, investigation completed and the final report filed and case is pending for trial, the co-accused was released on bail by this Court in Crl.OP.No.630 of 2026 on 12.01.2026 , this Court is inclined to grant bail to the petitioner with 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 II Additional District Court, Arakkonam, Ranipet District, 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 the concerned Court daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[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 6300];

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