

(2026) 08 MAD CK 1270
In the Madras High Court, Madurai Bench
Case No : Crl.O.P.(MD)No.16326 of 2026

Prabakaran

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 194(3)(IV), 483
Bharatiya Nyaya Sanhita, 2023 — Section 329(3), 296(B), 131, 303(2), 105, 269

Citation : (2026) 08 MAD CK 1270

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : For Petitioner: Mr.G.Aravinthsamy, Advocate; For Respondent: Mr.N.Balasubramanian, Counsel for State of TN (Crl. Side); For Intervenor: Mr.CN.Tamil Arasan

Final Decision : Allowed

Judgement

The petitioner / Accused, who was arrested and remanded to judicial custody on 24.06.2026, for the offences punishable under Sections 194(3)(iv) of BNS @ to 329(3), 296(b), 131, 303(2), 105 of BNS, in Crime No.160 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased failed to return the money to the petitioner. Hence, on the date of occurrence the petitioner along with others went to the house of the deceased and demanded the money. Since the money was not paid, they decided to take the Car belongs to the deceased. At that time the deceased intervened and prevented the accused from taking the Car. Hence, the petitioner and others prevented him and manhandled him violently, which resulted in sudden death of the deceased. However, the petitioner along with other accused left the place along with the Car. Subsequently based on the death, case was registered under Section 194(3)(iv) of BNSS as suspicious death. Based on investigation it was altered to Sections 329(3), 296(b), 131, 303(2), 105 of BNS and the petitioner was arrested.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submitted that purely on suspicion only the petitioner was arrested in this case. He has no previous case. He is in custody from 24.06.2026 and ready to abide any condition imposed by this Court. Hence, he prayed bail for the petitioner.

4. The counsel appearing for the intervenor submitted that the petitioners were aware that the deceased was having heart ailment and after knowing fully well, they manhandled him, which resulted in causing sudden death to him. The cause of death has to be ascertain. He further submitted that the Car was not yet recovered. Rs.7,00,000/- withdrawn by the deceased was also gone missing. Hence, he opposed the grant of bail to the petitioner.

5. The learned Counsel appearing for the State reiterated the prosecution case and reported that the Car was already recovered and based on the postmortem and other connected materials, the case has been altered, further the final opinion with regard to the cause of death is awaited and investigation in this case is also pending. He opposed the grant of bail to the petitioner.

6. This Court heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case, nature of allegation, though the respondent is awaiting for final opinion regarding the cause of death, the statement recorded from the accused reveal that they only manhandled the deceased at the time of taking the Car, they have not caused any injury to the deceased, the petitioner has no previous case and the period of incarceration, I am inclined to grant bail to the petitioner subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Thiruvadanai**, and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks, thereafter as and when required for interrogation:

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 51730].

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