

(2026) 03 MAD CK 0937

In the Madras High Court

Case No : Criminal Original Petition No. 6478 Of 2026

Sivaselvam

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 16-03-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 103, 105, 115(2), 191(2), 269, 296(B)
Tamil Nadu Prohibition Of Harassment Of Women Act, 1998 — Section 4

Citation : (2026) 03 MAD CK 0937

Hon'ble Judges : C.Kumarappan, J

Bench : Single Bench

Advocate : A.Arockiya Dass, S.Vinoth Kumar

Judgement

C.Kumarappan, J

1. The petitioner, who was arrested and remanded to judicial custody on 12.02.2026 for the alleged offence under Sections 191(2), 296(b), 115(2), 103 of BNS r/w. Section 4 of TNPHW Act and altered to Sections 296(b), 115(2) and 105 of BNS r/w. Section 4 of TNPHW Act in Crime No.40 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to a wordy quarrel between the petitioner and the family of the de facto complainant, the petitioner pushed the father of the de facto complainant who was already suffering from a heart ailment, and as a result, he was declared dead. Hence, the complaint.

3. The learned counsel for the petitioner submits that the father of the de facto complainant was already suffering from a heart ailment and the petitioner had merely pushed him on the chest, following which he was declared dead. He further submits that the petitioner had not assaulted the father of de facto complainant in any manner. Hence, he prays grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police fairly admitted the submissions made by the learned counsel for the

petitioner.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6. The learned counsel for the petitioner invited the attention of this Court to the alteration report wherein, it is stated by the prosecution that the petitioner had merely pushed the deceased and had not assaulted him in any manner and that the deceased was suffering from a heart ailment. The said fact was not disputed by the learned Government Advocate (Crl.Side). Taking into consideration the period of incarceration already undergone by the petitioner, 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Tittagudi, Cuddalore, and subject to the following conditions:

(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 identify proofs to ensure their identity;

(b) The petitioner shall report before the respondent Police, daily at 10.30 a.m. and 5.30 pm., for a period of one month 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 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 actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.