

TNMD010009992026



In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. S. SIVAKADATCHAM, B.Sc., M.L.,

Principal Sessions Judge, Madurai.

Thursday, this the 2nd day of April, 2026.

CrI.M.P.No.649/2026

CNR No.TNMD010009992026

Mahalingam, S/o.Muthu

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Austinpatti P.S. in Cr.No.14/2026

... Respondent/Complainant.

This e-petition coming on today for hearing before me in the presence of Thiru.R.Srivasanth, Advocate for the petitioner and of Public Prosecutor for the State, this court passed the following:

Order

1. Anticipatory Bail application u/s 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Heard both.

3. The learned counsel for the petitioner/A2 would submit that the respondent police has registered a case against the petitioner and another in Cr.No.14/2026 for the offences u/s. 103 and 115(2) of Bharatiya Nyaya Sanhita (BNS), 2023. The alleged occurrence is said to have taken place on 18.01.2026. The petitioner is innocent and he has not committed any offences as alleged by the prosecution. As per F.I.R., A1 assaulted the deceased by knife, at that time, A2 and A3 instigated the offence. The petitioner has not assaulted the deceased. Only abetment made over against the petitioner. There is no serious allegations against the petitioner. Custodial interrogation of the petitioner is not necessary in this case. Investigation is almost over. The petitioner has not filed similar petition before the Hon'ble Madurai Bench of Madras High Court or any other court. The petitioner apprehends arrest at the hands of police. The petitioner is ready to abide by any conditions that would be imposed by this Court and prayed to allow the petition.

4. The learned Public Prosecutor submitted that totally there are 3 accused involved in this case and the petitioner is A2. As per the case of the prosecution, there previous enmity existed between the deceased and A1. The defacto-complainant is the

daughter of the deceased. On 18.01.2026 at 5.45 p.m., Kabadi Tournament was held in village. The defacto-complainant and her husband are watching the Kabadi Tournament. At that time, on hearing the noise of the defacto-complainant's father , they went to the place of occurrence and saw that A1 stabbed the defacto-complainant's father with knife on neck and back side. When the defacto-complainant intervened to rescue him, A1 pulled her down. A2 and A3 have come there and instigated the A1 to murder the deceased and all the accused persons fled the scene of occurrence. When the deceased was admitted in GH., Thirumangalam, they have informed that the deceased was died on the way to hospital. Hence, the complaint. The deceased died due to the injuries caused by A1. The petitioner/A2 and A3 instigated the A1 to commit the offence. A1 was arrested and is in custody. A2 and A3 are absconding. Investigation is pending and strongly objected to grant anticipatory bail to the petitioner.

5. Rival contentions are taken into consideration. The alleged offences against the petitioner are U/s. 103 and 115(2) of Bharatiya Nyaya Sanhita (BNS), 2023. The alleged occurrence is said to have taken place on 18.01.2026. The learned counsel for the petitioner contended that as per prosecution, A1 only assaulted the deceased, there is no specific overt act as against the petitioner and he has been falsely implicated in this case. On the other hand, the learned Public Prosecutor raised strong objections stating that the petitioner/A2 and A3 instigated the A1 to commit the offence and investigation is pending. As per prosecution, custodial interrogation of the petitioner is very much essential. Investigation is at earlier stage. Considering all these aspects, heinous nature of offence, pending stage of investigation, strong objections raised on the side of prosecution and the facts and circumstances of the case, this court is not inclined to grant anticipatory bail to the petitioner at this stage, accordingly, the petition is liable to be dismissed.

In the result, the petition is dismissed.

Pronounced by me in the Open Court on the 2nd day of April, 2026.

Principal Sessions Judge,
Madurai

Copy to : The J.M.Thirumangalam.