

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, PUDUKKOTTAI****PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,****Principal Sessions Judge, Pudukkottai.****Thursday the 12<sup>th</sup> day of March, 2026**

Criminal Miscellaneous Petition No:700/2026

{CNR No.TNPD01-0012652026}

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Thirumoorthy, S/o. Pitchaimuthu.

.....Petitioner/Accused

/Versus/

State of Tamil Nadu represented by Sub Inspector of Police,

Vallathirakkottai Police Station,

Cr.No.05/2026

...Respondent/Complainant

This petition coming on this day before me for hearing in the presence of Thiru. K. Ganesan, Learned Advocate appearing for the Petitioner and the Learned Public Prosecutor Thiru.B.Venkatesan, on behalf of the Complainant and this Court passed the following,

**ORDER**

This petition is filed by the petitioner u/s 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2023, praying for bail.

Heard both sides. Perused the records.

The Learned Counsel for the petitioner submits that the petitioner is being charged for the offence u/s 191(2), 191(3), 126(2), 296(b), 103(1) of BNS in Cr.No.05/2026 of Vallathirakkottai Police Station and also submits that he has not committed any offence as alleged and she has been falsely implicated in this case . He further submits that he is in judicial custody from 12.01.2026 and he is ready to abide by any condition imposed by this court and hence, requests to release the petitioner on bail on any condition as it may be imposed by this court .

Per contra, the Learned Public Prosecutor submits that due to previous enmity between the defacto complainant, his brother Inbarasan and the accused, on 12.01.2026 the accused persons along with the petitioner herein had assaulted on the right side head, right side face, right and left side wrists , right and left hands of the defacto complainant's brother namely Inbarasan by using sickle and his brother died on the same day , thereby the accused had committed murder of the deceased namely Inbarasan and it is an brutal murder and the investigation is in preliminary stage and hence, he strongly opposed to release the petitioner on bail.

**With regard to bail**, this court relied upon a case law reported in AIR 1978 SC. 179 rendering by our Hon'ble Supreme Court of India in a case of "GURCHARAN SINGH Vs. STATE, wherein it has been held as follows:-

**“We may repeat the two paramount considerations, viz. likelihood of the accused fleeing from justice and his tampering with prosecution evidence relate to ensuring a fair trial of the case in a court of justice. It is essential that due and proper weight should be bestowed on these two factors apart from others. There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”**

Rival submissions are taken into consideration. Records perused. Due to previous enmity between the defacto complainant, his brother Inbarasan and the accused, on 12.01.2026 the accused persons along with the petitioner herein had assaulted on the right side head, right side face, right and left side wrists , right and left hands of the defacto complainant's brother namely Inbarasan by using sickle and his brother died on the same day , thereby the accused had committed murder of the deceased namely Inbarasan. Admittedly, the petitioner is in judicial custody from 12.01.2026. But, this is a case of murder. The petitioner is alleged to have murdered the victim. It seems that the investigation is in preliminary stage by this time. By considering all these facts and circumstances of the case, grave nature of offence, in view of the decision cited supra and strong objections raised on the side of the prosecution, this court is of the view that it is not desirable to release the petitioner on bail at present. Hence, this petition is dismissed.

In the result, this Bail Petition is dismissed.

Pronounced by me in Open Court, this the 12th day of March'2026.

**Principal Sessions Judge,  
Pudukkottai.**

**Copy to**  
The Counsel for the petitioner.