

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

Present: **Thiru.A.Kanthakumar, M.L.,**
Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.

Dated this the 10th day of June 2026, Wednesday.

Cr.M.P. No.1601/2026

Surya @ Harthick

... Petitioner/Accused.

/ Vs /

State through the Inspector of Police,

Sivakasi Town P.S.

Cr.No.221/2026

U/s. 191(2), 191(3) and 103(1) of BNS.

... Respondent/ Complainant.

This petition coming on this day before me for hearing in the presence of Thiru.M.Parthasarathy, Advocate for the petitioner and Thiru.S.Thirumalaiappan, Public Prosecutor for the respondent and upon hearing the argument of both sides, this court made the following

ORDER

It is an application for bail u/s.483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)

FIR was registered against the petitioner/A6 for the offences u/s.191(2), 191(3) and 103(1) of BNS. The occurrence happened on 28-04-2026 and the petitioner is under custody for the past 41 days from 29-04-2026 onwards.

As per the FIR, the previous enmity existed between the defacto complainant's younger son, Mariselvam, and the accused persons. In continuation of the said enmity, on 28.04.2026 at about 2:30 p.m., the petitioner and the other accused allegedly came on two two-wheelers, assaulted Mariselvam with a sword, caused his death, and fled from the scene of occurrence. At about 3:00 p.m., while the defacto complainant was at his workplace, he was informed that his younger son, Mariselvam, was lying dead near Jakkammal Temple and the defacto complainant rushed into the Government Hospital, Sivakasi and saw the dead body of his son with injuries. Hence, the case

According to the learned counsel for the petitioner, the petitioner is innocent and he has not committed any such offence and prays to enlarge the petitioner on bail. On the other hand, the learned Public Prosecutor contended that if the petitioner is released on bail he would tamper with the prosecution witnesses and hence he objected to grant bail to the petitioner.

Heard both sides. Records perused. On perusal of records would show that it is a case of murder and the petitioner is under custody for the past 41 days and there are 9 accused involved in this case and the petitioner is arrayed as A6.

The learned Public Prosecutor strongly opposed the grant of bail to the petitioner. It was submitted that, due to previous enmity, Accused Nos.1 to 9 had conspired and committed the murder of the deceased. According to the prosecution, there existed longstanding enmity between the accused and the deceased. It was further submitted that, on an earlier occasion, when the deceased's brother attempted to pacify the dispute, the accused had threatened him with dire consequences. The learned Public Prosecutor further submitted that, on the date of occurrence, while the deceased, Mariselvam, was conversing with his friends near Jakkammal Temple at Sithurajapuram, Sivakasi, Accused Nos.1 to 6 arrived at the scene on two motorcycles and attacked him with deadly weapons. When the deceased attempted to escape, the accused allegedly chased him, assaulted him with swords and stabbed him with a knife, thereby causing his death. The investigation is pending and the charge sheet not yet filed.

The learned counsel for the petitioner contended that the grounds of arrest were not informed to the accused at the time of arrest and that the accused was not made aware of the reasons for his arrest. It was further submitted that the mandatory provisions governing arrest were not complied with by the respondent police. The learned counsel also relied upon the guidelines issued by the Hon'ble Supreme Court regarding the procedure to be followed while effecting an arrest and submitted that the arrest is vitiated by non-compliance with the said requirements. Per contra, the learned Public Prosecutor vehemently opposed the contention and submitted that all mandatory statutory requirements and procedural safeguards were duly complied with at the time of arrest. It was further submitted that the grounds of arrest were duly communicated to the accused and that intimation regarding the arrest was also given to his relatives, either orally or in writing, in accordance with the prescribed procedure. Therefore, according to the prosecution, there was no violation of the guidelines issued by the Hon'ble Supreme Court or the provisions governing arrest.

Considering the rival submissions and the materials available on record, it is seen that Accused Nos.1 to 6 are stated to have given confessional statements during the course of investigation and, based on the information so obtained, the petitioner/A9 and other accused came to be implicated and arrested. The allegations against the petitioner relate to a grave and serious offence. While considering the prayer for bail, this Court has taken into account the nature and gravity of the accusations, the materials available in support thereof, the severity of

the punishment prescribed for the offences alleged, the possibility of the accused absconding if released on bail, the criminal antecedents and conduct of the accused, the likelihood of repetition of similar offences, the possibility of influencing witnesses or tampering with evidence, and the larger interests of society and the administration of justice. Upon a prima facie consideration of the materials placed before this Court, sufficient grounds exist to support the accusations against the petitioner at this stage. The investigation is still in progress and the final report has not yet been filed. Therefore, this Court is of the view that the petitioner is not entitled to the discretionary relief of bail at this juncture. Accordingly, this Court is not inclined to grant bail to the petitioner.

In the result, the Bail Petition is dismissed.

Pronounced by me in the Open Court on this the 10th day of June 2026.

Principal District and Sessions Judge,
Virudhunagar District at
Srivilliputtur.

To

The Inspector of Police, Sivakasi Town P.S