



CRL OP(MD) No.5267 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On	:	13.03.2026
Pronounced On	:	20.04.2026

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.O.P(MD).No.5267 of 2026

and

CrI.M.P.(MD).No.5837 of 2026

1.K.Shankar

2.S.Ajith Kumar

3.Chandrabose

... Petitioners

Vs

The State Rep. By,
The Inspector of Police,
Perungudi Police Station,
Madurai District.
(Cr.No.25 of 2026)

... Respondent

PRAYER:- This petition has been filed under Section 482 of BNSS to enlarge the petitioners on bail in the event of their arrest in connection with the case in Crime No.25 of 2026 on the file of the respondent police.

For Petitioner : Mr.G.Gowtham

For Respondent : Mr.M.Karunanithi
Government Advocate (Criminal Side)

For Intervener : Mr.S.Mukesh



CRL OP(MD) No.5267 of 2026

ORDER

The petitioners are accused in **Crime No.25 of 2026**, on the file of the respondent police for the alleged offences under **Sections 329(3), 296(b), 115(2), 133, 351(2)** of the **Bharatiya Nyaya Sanhita, 2023** and **Section 4 of TNPHW r/w Section 3(1) of the TNPPDL Act.**

2. According to the prosecution, on 05.03.2026, when a college bus carrying about 25 girl students was proceeding near Alangulam Village, the petitioners, who were part of a funeral cortege, in an inebriated condition, along with other mourners, wrongfully blocked the bus, abused the students in obscene language, and attacked the driver using a helmet, chappals, and other objects. It is further alleged that the accused caused damage to the bus. Based on the complaint, the respondent police registered the case.

3. The learned counsel for the petitioners would submit that the bus had tried to plough through the funeral procession, which provoked the petitioner, and that the occurrence has been exaggerated in the FIR. It is contended that no such incident, as alleged by the prosecution, had taken place, and on that basis, anticipatory bail is sought.



CRL OP(MD) No.5267 of 2026

4. Per contra, the intervenor, namely the bus driver, would submit that the accused behaved in unruly manner, abused the students travelling in the bus, assaulted the driver with a helmet and chappals, and caused damage to the vehicle. It is further submitted that such conduct is grave in nature and warrants custodial interrogation, and hence, the petition for anticipatory bail is liable to be dismissed.

5. This Court considered the rival submissions made by the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

6. The allegations, as reflected in the FIR, disclose a serious incident wherein a public vehicle carrying girl students was blocked, and the occupants were subjected to abuse and intimidation. The act of assaulting the driver and damaging the vehicle, allegedly by persons under the influence of alcohol, cannot be viewed lightly.

7. While participation in a funeral cortege is a social and cultural practice, it does not confer any right to endanger public safety or to indulge in acts of



CRL OP(MD) No.5267 of 2026

violence or disorder. The materials on record prima facie indicate that the

conduct attributed to the petitioners is not a trivial or isolated act but involves elements affecting public order and safety.

8. In such circumstances, this Court is of the view that custodial interrogation of the petitioner is necessary for a proper investigation of the case. Hence, this Court is not inclined to grant anticipatory bail.

9. Accordingly, the anticipatory bail petition stands dismissed.

10. Apart from the above, this Court deems it appropriate to issue certain directions in the larger public interest. It is observed that instances of unruly conduct during funeral processions, particularly involving obstruction of public roads and disturbance to the general public, are becoming frequent. While the right to conduct funeral rites is part of the right to life under Article 21 of the Constitution of India, the same is subject to reasonable restrictions in the interest of public order and safety.

11. It is observed that, on account of the unruly and undisciplined conduct of participants in funeral processions, several untoward incidents have



CRL OP(MD) No.5267 of 2026

occurred, including instances resulting in loss of life. This Court takes judicial

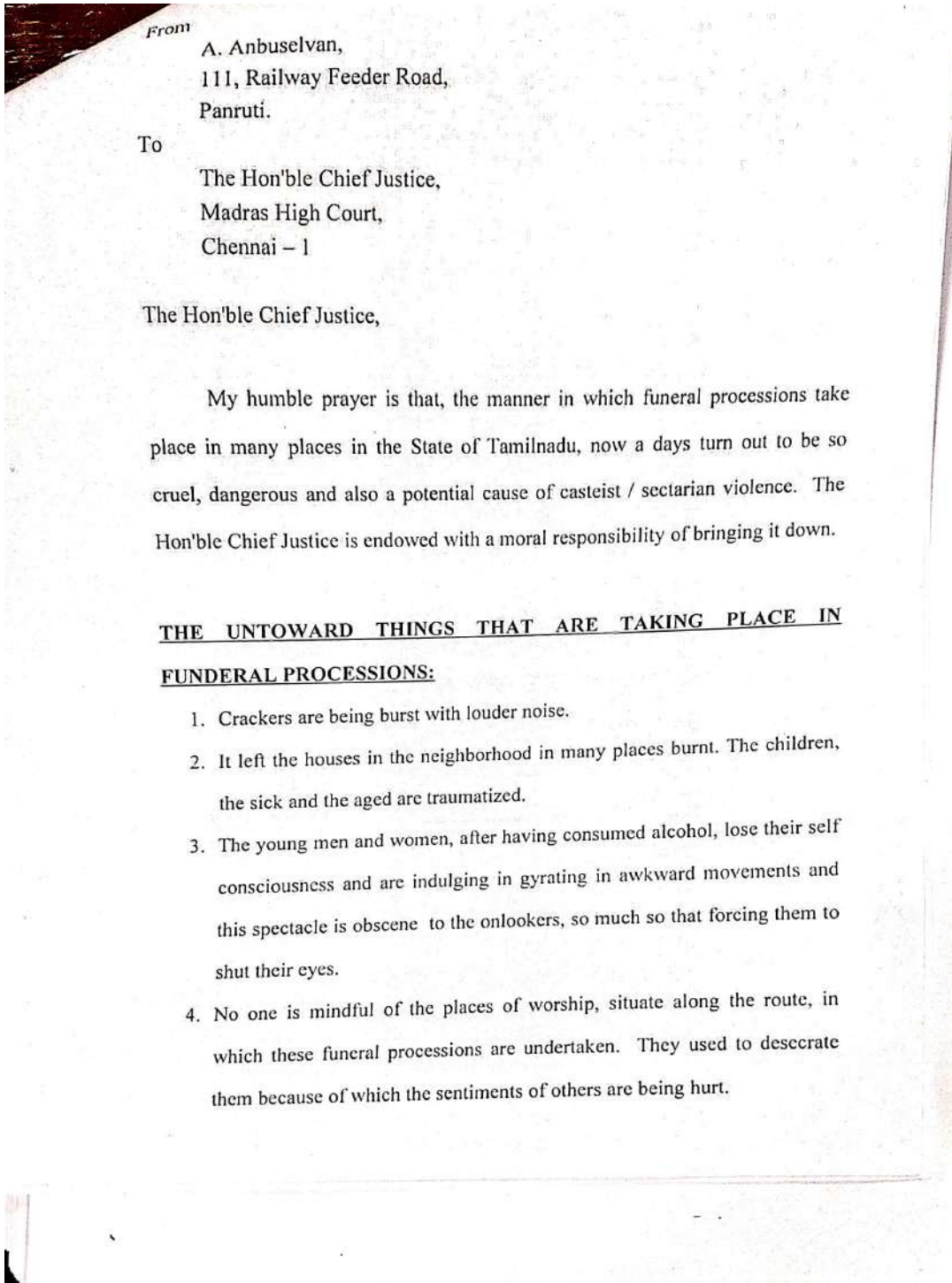
notice of the fact that similar concerns were earlier raised in proceedings in W.P.No.34402 of 2023 before the Principal Bench, wherein a *suo motu* cognizance was taken. The prayer of the said writ petition is extracted as follows:

"For the reasons stated in the accompanying Letter from Thiru.A.Anbu Selvan, Railway Feeder Road, Panruti dated 04.09.2022, the Hon'ble High Court has initiated Suo Motu PIL, it is humbly prayed that this Honourable Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction in the nature of Writ, directing the respondents, to prevent unwanted incidents and to take appropriate steps to issue the guidelines to streamline the funeral processions throughout TamilNadu State without hindrance by drunken persons to general public by throwing garlands and blocking of vehicle movements and etc., and to file a report before this Court and to pass such further or other appropriate orders."



In the said writ petition the following material was annexed:

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CRL OP(MD) No.5267 of 2026

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5. They used to throw enormous amount of flowers and garlands across the road. Many would tend to fall, slipping out therefrom.
“One Rajkamal died in Panruti Main Road only from such a fall after slipping over a garland. I pray Your Lordship to pass an order directing Panruti police to register a murder case against the person who had left garland there”
6. Whenever, the funeral procession proceed in the roads with heavy traffic, the vehicles are being made to wait for so many hours. As a result, attending office, school and college on time has become a distant possibility. Those who are on the way to private hospital, on being indisposed are also put to hardship.
7. Some people splash the funeral procession with political colours.

Therefore, the Hon'ble High Court of Madras may kindly be pleased to pass an Order, *Suo Motu* issuing guidelines to the common public and the Government as to how funeral processions could be conducted peacefully, free from occurrence of any untoward incidents, on careful consideration of the averments made above.

Sd/-

A.Anbuselvan.



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CRL OP(MD) No.5267 of 2026

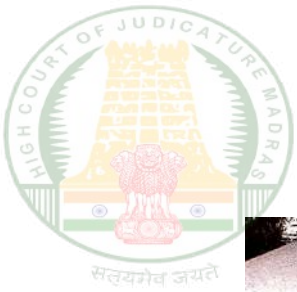
Translation of Paper cutting

YOUTH BECOMING A VICTIM OF AN ACCIDENT
RESULTING FROM A GARLAND THROWN
IN FUNERAL PROCESSION

One Mohan (55) is a resident of L.N.Puram, Panruti in Cuddalore District. He is a vegetable Vendor in Panruti market. His wife is named Vijayalakshmi (45). This couple has two sons namely, Rajkumar (22) and Rajkamal (30).

Rajkumar, who is a Software Engineer, having got married has been residing in Bangalore with his wife. Rajkamal, who had done B.Sc had also been working in a Private Computer Firm in Bangalore. The marriage of Rajkamal with an Engineer from Veppur called Guasundhari took place four months ago.

Vijayalakshmi and Gunasundhari had been getting back to Panruti bus stand, day before yesterday, from a trip outstation. Rajkamal who had gone there in a motor cycle took his wife Gunasundari home in the motor cycle, first. Thereafter, Rajkamal had left for Panruti bus stand in the motor cycle for picking up his mother Vijayalakshmi. While he was driving in the railway over-bridge across Chennai Road, Vijayalakshmi was walking towards him from the opposite direction.



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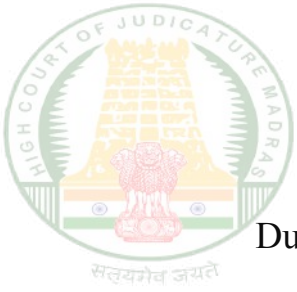
CRL OP(MD) No.5267 of 2026

Immediately, Rajkamal turned his motor cycle. During that juncture, a garland, which was lying soaked in rain after it was thrown on the road during the course of a funeral procession, having entangled with the wheels, the motor cycle fell on the road. The head of the Rajkamal, who had lost his balance and collapsed subsequently, had rammed against the parapet of the bridge.

In this accident his head broke and he succumbed to death on the spot. The cry of the mother and family members was heart-touching. The police from Panruti having registered a case on this accident, are pursuing the investigation thereinto.

It is pertinent to note that a newly wedded groom became a victim of vehicle accident, resulting from the throw of garland during the course of such funeral procession, two years ago.

Dated : 04.09.2022



CRL OP(MD) No.5267 of 2026

During the course of those proceedings, a circular issued by the Office of the Director General of Police was placed on record, and based on the said circular, the matter came to be closed and the same is as follows:

Rc.No.00101-1/General 1(1)/2024

*Office of the
Director General of Police/
Head of Police Force,
Tamil Nadu, Chennai.*

CIRCULAR MEMORANDUM

Sub:Police-Guidelines to streamline the funeral processions-Prevent untoward incidents-Instruction issued-Regarding.

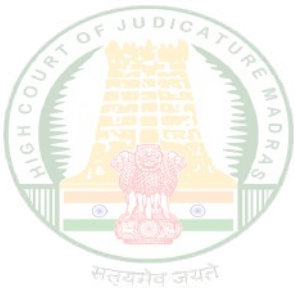
Reg: (1) In the High court of Judicature at Madras in Suo-Motu PIL W.P.No.34402/2023, dated 08.12.2023.

2) Govt. letter No. e-19292/Pol.XI/2024-1, dated 25.01.2024

Attention is invited to the above subject and references cited.

2)It is reported that one Thiru.Anbu Selvan, of Panruti filed a PIL in the Hon'ble High Court of Judicature at Madras stating that a funeral procession has left garlands of flowers on the road and a motor cyclist while riding on the road has skidded on the garland, resulting in his death. The petitioner has prayed for issuing suitable guidelines to the authorities concerned to prevent similar incidents in future.

3)This is a very sensitive issue involving the traditions and emotions of the people, and at the same time the life and safety of the public. The Unit officers should take suitable preventive steps and sensitise the SDOs/SHOs in this regard.



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CRL OP(MD) No.5267 of 2026

(i) *Prior Intimation should be given by the family members of the deceased to the local police with tentative time and route of the processions so as to regulate the vehicular traffic and the funeral procession.*

(ii) *The local police should liaise with the Panchayat/Municipality/Corporations to clear the garlands and other materials that might be lying on the road so that there is no hindrance or disturbance to the movement of vehicular traffic.*

(iii) *No banners, hoardings, etc should be permitted without approval from the competent authorities.*

(iv) *The organisers should be advised to collect the garlands/wreaths in the funeral house itself and the same should be disposed safely. They should be advised not to carry large number of garlands/wreaths along with the procession, not to throw them on roads/vehicles moving on the roads. If any garland/wreath is left on the roads, the police should liaise with the local bodies to clear the road immediately.*

(v) *The organisers should be advised to avoid Highways/arterial/main roads.*

(vi) *The police should regulate participants of the funeral procession to go in intermittent gaps to facilitate the smooth movement of traffic.*

(vii) *Strict legal action should be taken if there are any violations endangering the life and safety of the public.*

(viii) *The local police should regulate the route of the funeral procession if law and order problem is anticipated in any particular route.*

(ix) *The above precautionary measures are only indicative and not exhaustive. The Unit officers should take all necessary precautionary measures to ensure the safety of the public.*



CRL OP(MD) No.5267 of 2026

4.The Unit officers are instructed to take necessary precautionary measures during the funeral processions so that the incident quoted in Para 2 is not repeated in future.

Sd.Shankar Jiwal

Director General of Police

Head of Police Force.

12.However, notwithstanding the issuance of such circular, incidents of disorderly conduct during processions continue unabated, posing serious risks to bystanders, road users, and the general public. The absence of a comprehensive statutory framework, coupled with enforceable penal provisions to regulate such processions, has resulted in repeated occurrences of such hazardous situations. In these circumstances, this Court, in the interest of public safety and to safeguard the lives of bystanders, road users, and other members of the public, deems it appropriate to issue directions to the State. Accordingly, the Chief Secretary to the Government is directed to examine the necessity of enacting suitable legislation, incorporating adequate regulatory and penal provisions to govern funeral processions, while ensuring that the fundamental right to perform last rites is not unduly curtailed.

13.The Chief Secretary shall undertake this exercise and submit a report before this Court on or before 31st July.



CRL OP(MD) No.5267 of 2026

14. Consequently, connected Criminal Miscellaneous petition is closed.

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15. List this case on 31.07.2026.

20.04.2026

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To

1. The Inspector of Police,
Perungudi Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL OP(MD) No.5267 of 2026

K.K.RAMAKRISHNAN.J.

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Crl.O.P(MD).No.5267 of 2026

20.04.2026