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CRL OP No. 23396 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 23396 of 2026

1.A.Tamilselvan

2.S.Venkatesan

...Petitioners/A1&A2

Vs

The State Represented by
The Inspector of Police,
Indur Police Station,
Dharmapuri District.
Crime No.115 of 2025.

...Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners in Crime No.115
of 2025 on the file of the respondent police.

For Petitioner(s): Mr.J.Bharathi Raja

For Respondent(s): Mr.M.M.I.Khaleel,
Govt.Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on
12.11.2025 for the alleged offences under Sections 331(4) and 305(a) of
BNS,2023, in Crime No.115 of 2025 on the file of the respondent police, seeks
bail.



2. The case of the prosecution is that on 20.09.2025, at about 7.30p.m., the de-facto complainant instructed the godown manager to keep the cash of Rs.1,32,000/- in the table drawer, as he was out of town. On 21.09.2025, at about 2.45a.m., the owner of the godown informed the complainant over phone that the shutter doors of the godown had been broken. Thereafter, the complainant and the manager went to the scene and found that the said cash, one CCTV camera and one DVR were missing. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners have been in judicial custody since 12.11.2025. He further submitted that the petitioners are innocent and have been falsely implicated in this case. He further submitted that the petitioners have six previous cases of a similar nature were detained under the Preventive Detention Act pursuant to detention order 12.08.2026. However, the said detention orders were subsequently set aside by this Hon'ble Court. He also further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioners.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the accused have involved in attempt of theft and investigation pending and they have involved in similar cases across Tamil Nadu and hence



Goondas detention was passed against them and in this stage, if the petitioners are released on bail they may tamper the witnesses. Hence, he opposed the grant of bail to the Petitioners.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. Considering the facts and circumstances of the case; taking note of the submission made by the learned Government Advocate (Crl.Side), considering the period of incarceration of the petitioners since 12.11.2025 and all the articles recovered from the petitioners, this Court is of the firm view that for the purpose of investigation, further interrogation of the petitioners are not required. Hence, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- each (Rupees Twenty Five Thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Dharmapuri**, and on further conditions that:

[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 the identity proofs to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

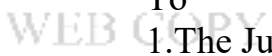
21-08-2026

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

1. The Judicial Magistrate-II,
Dharmapuri.
2. The Inspector of Police,
Indur Police Station,
Dharmapuri District.
3. The Superintendent,
Central Jail, Salem.
4. The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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