



Crl.O.P.No.27509 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.No.27509 of 2024

1. Suresh

2. Shiva @ Shivarasan

... Petitioners

Vs.

The State represented by,  
The Inspector of Police,  
Natrapalli Police Station,  
Tirupattur District.  
(Crime No.435 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with the Crime No.435 of 2024, on the file of the respondent Police.

For Petitioners : Mr.J.Pradeep

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Crl.Side)

### **ORDER**

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 08.10.2024, seeking bail in Crime No.435 of 2024 registered for the offence under Sections



Crl.O.P.No.27509 of 2024

305(a), 331(4) and 62 of BNS.

2. The case of the prosecution is that the accused have trespassed into the house of the de facto complainant and attempted to commit theft by breaking open the door. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in custody from 08.10.2024 and they are also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that in the absence of the de facto complainant and his family, the petitioners/accused have attempted to commit theft at the de facto complainant's house by breaking open the door. He further submitted that on seeing the activities of the accused through CCTV fixed in his house, the de facto complainant has informed his neighbors and on the arrival of his neighbours, one of the accused escaped from there. He also submitted that



Crl.O.P.No.27509 of 2024

one previous case is pending against the accused in the State of Karnataka.

He further submitted that the investigation in this case has been completed and the charge sheet has also been filed, which is yet to be taken on file.

Hence, he opposed for granting bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the charge sheet has been filed in this case, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties** (out of which one surety should be a blood related surety), each for a like sum to the satisfaction of the **Judicial Magistrate No.III, Tirupathur**, and on further conditions that:



CrI.O.P.No.27509 of 2024

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**[b] the petitioners shall appear before the learned Judicial Magistrate No.III, Tirupathur, on all working days 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 evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the 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)AIR SCW 5560]*;

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

**05.11.2024**

*ham*



Crl.O.P.No.27509 of 2024

WEB COPY

To

1. The Judicial Magistrate No,III,  
Tirupathur.
2. The Inspector of Police,  
Natrampalli Police Station,  
Tirupattur District.
3. The Sub Jail,  
Tirupathur.
4. The Public Prosecutor,  
High Court of Madras.



WEB COPY



Crl.O.P.No.27509 of 2024

**A.D.JAGADISH CHANDIRA.,J.**

*ham*

**Crl.O.P.No.27509 of 2024**

**05.11.2024**