



Crl.O.P.(MD).No.19062 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). Nos.19062, 19063, 19066, 19068, 19069, 19074, 19075, 19076,
19077 & 19078 of 2024

Crl.O.P.(MD).No.19062 of 2024

Thangapandiyan,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Namanasumdhiram Police Station,
Pudukkottai District.
(Crime No.183 of 2021).

... Respondent/Complainant

Crl.O.P.(MD).No.19063 of 2024

Thangapandiyan,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
(Crime No.163 of 2023).

... Respondent/Complainant



Crl.O.P.(MD).No.19062 of 2024

Crl.O.P.(MD).No.19066 of 2024

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Thangapandiyan,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.138 of 2023).

... Respondent/ Complainant

Crl.O.P.(MD).No.19068 of 2024

Thangapandiyan,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.208 of 2023).

... Respondent/ Complainant

Crl.O.P.(MD).No.19069 of 2024

Thangapandiyan,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
(Crime No.40 of 2022).

... Respondent/ Complainant



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Crl.O.P.(MD).No.19074 of 2024

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Thangapandiyan,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
(Crime No.103 of 2022).

... Respondent/ Complainant

Crl.O.P.(MD).No.19075 of 2024

Thangapandiyan,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
(Crime No.268 of 2021).

... Respondent/ Complainant

Crl.O.P.(MD).No.19076 of 2024

Thangapandiyan,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
(Crime No.331 of 2020).

... Respondent/ Complainant

Crl.O.P.(MD).No.19077 of 2024

Thangapandiyan,

... Petitioner/ Accused Rank Not Known

<https://www.mhc.org.in/judis>



Crl.O.P.(MD).No.19062 of 2024

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Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
(Crime No.310 of 2020).

... Respondent/Complainant

Crl.O.P.(MD).No.19078 of 2024

Thangapandiyan,

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep.By Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.238 of 2020).

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar, Advocate.
(In all Petitions)

For Respondent : Mr.S.Ravi, Government Advocate (Crl.Side)
(In all Petitions)

PETITIONS FOR BAIL Under Sec.483 of BNSS

COMMON PRAYER :- For Bail in Crime Nos.183 of 2021, 163 of 2023, 138 of 2023, 208 of 2023, 40 of 2022, 103 of 2022, 268 of 2021, 331 of 2020, 310 of 2020, 238 of 2020 on the file of the respondent Police.

COMMON ORDER : The Court made the following Common Order :-

The issue involved in all these cases are interconnected and therefore, a common order is passed in these bail applications.



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2. The petitioner was arrested and remanded to judicial custody on 01.10.2024 during the course of investigation in Crime No.183 of 2021, which is the subject matter in Crl.O.P.(MD).No.19062 of 2024. There are totally five accused persons in that case and the petitioner has been ranked as Accused No.5. The First Information Report was registered for the alleged offence under Sections 457 and 380 of I.P.C.

3. Insofar as all the other cases are concerned, a formal arrest was made on 14.10.2019. Out of ten cases, one First Information Report was registered by the Namanasamudhram Police Station (Crl.O.P.(MD).No.19062 of 2024). Two First Information Reports were registered on the file of the Thirumayam Police Station (Crl.O.P.(MD).Nos.19066 & 19068 of 2024). The remaining seven cases were registered on the file of the Arimalam Police Station (Crl.O.P.(MD).Nos. 19063, 19069, 19074, 19075, 19076, 19077 & 19078 of 2024. All these First Information Reports have been registered for the offence under Sections 457 and 380 of I.P.C.

4. The learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner only on basis of the confession of the co-accused. He further submitted that after the petitioner was arrested in Crime No.183 of 2021 on 01.10.2024, he was made as an accused in all the other nine cases and the petitioner was formally arrested on 14.10.2024.

5. The learned Additional Public Prosecutor appearing for the respondent



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Police submitted that the accused person, who claims to be running a jewellery shop, was actually giving a tip off to all the other accused persons (Accused Nos.1 to 3) and informing them about the various houses that were chosen to commit the theft. Thereafter, this accused person was receiving the silver articles that are stolen. Accused No.4 was receiving the gold jewels that are stolen. Even on an earlier occasion, in the investigation that was conducted by Sivagangai Police Station, the stolen goods were recovered from the petitioner during the month of April 2024. Only on further investigation, it came to light that this petitioner is regularly involved in not only receiving stolen articles but also has a closer connection with the other accused persons by assisting them in committing the theft in various houses in and around Pudukkottai District. The learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioner.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. The specific case of the prosecution is that the petitioner was found in possession of stolen articles and based on the confession of Accused Nos.1 to 3, he was arrested on 01.10.2024 in Crime No.183 of 2021. Thereafter, in the remaining nine cases, he was arrayed as Accused No.5 based on the confession of Accused Nos.1 to 3 in all those cases. Thus, in those nine cases, the petitioner was formally arrested on



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14.10.2024. It is also brought to the notice of this Court that the petitioner was taken on Police custody and the Police were not able to recover the stolen articles.

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8. This Court had put a pointed question to the learned Additional Public prosecutor as to whether any cases were registered against the petitioner prior to his arrest on 01.10.2024. The learned Additional Public Prosecutor submitted that even though the stolen articles were recovered from the petitioner in other cases which were investigated by the Sivagangai Police Station, the petitioner was not arrayed as an accused in any other case except these 10 cases.

9. In the considered view of this Court, in all these ten cases, the petitioner has been arrayed as Accused No.5 based on the confession of the co-accused (Accused Nos.1 to 3). The petitioner has also been taken on Police custody. Hence, no useful purpose will be served in keeping the petitioner inside the jail. By granting bail to the petitioner in all other cases and imposing stringent conditions, the Police will at least be able to make progress in the investigation and find out the whereabouts of the stolen articles.

10. In the light of the above discussion, this Court is inclined to grant bail to the petitioner subject to the following conditions:

11. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of



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which one surety shall be the wife of the petitioner, each (in respect of every case) for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumayam, Pudukkottai District and on further conditions that:-

[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 petitioner shall appear before the Arimalam Police Station daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in



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P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
13/11/2024

/ TRUE COPY /

13/11/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE,
NAMANASUMDHIRAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

5 THE INSPECTOR OF POLICE,
ARIMALAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

6 THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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ORDER
IN
CRL OP(MD). Nos.19062, 19063, 19066, 19068, 19069, 19074,
19075, 19076,
19077 & 19078 of 2024
Date :13/11/2024

SA/SAR. /13.11.2024/10P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.