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Crl.O.P.No.2346 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2346 of 2025

1. Anu @ Pandeeswarai
2. Seethal
2. Priya @ Vimala ... Petitioners/A1 to A3

Vs.

The State represented by,
The Inspector of Police,
Tharamangalam Police Station,
Salem.
(Crime No.489 of 2024). ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.489 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.Deepan Uday

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 19.12.2024, seeking bail in Crime No.489 of 2024 registered for the offence under



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Section 303(2) of BNS.

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2. The case of the prosecution is that the petitioners had attended the temple festival and had committed theft of five sovereigns of gold chain [தாலி கொடி].

3. The learned counsel appearing for the petitioners would submit that the stolen articles admittedly has been recovered and further custody for the petitioners is not required for the purpose of investigation and considering the period of incarceration, they may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the bail petition, reiterated the prosecution case and on instructions submitted that the 1st petitioner/A1 has ten previous cases; that the petitioners 2 and 3/A2 and A3, have two previous cases each; that the petitioners are on bail in all the previous cases; and that the stolen property has been recovered.

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. Considering the nature of allegations, the period of incarceration, the fact that the petitioners have been released on bail in all other cases and the stolen articles have been recovered and since further custody is not required for the purpose of investigation, 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 a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Omalur, Salem 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;



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[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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

17.02.2025

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SUNDER MOHAN., J.

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To

1. The Judicial Magistrate,
Omalur, Salem District.
2. The Inspector of Police,
Tharamangalam Police Station,
Salem.
3. The Superintendent,
Special Prison for Women, Salem.
4. The Public Prosecutor,
High Court of Madras.

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