



Crl.O.P.No.2948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2948 of 2025

1. Vignesh
2. Veerammal

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Elavanasoorkottai Police Station,
Ulundurpet Circle,
Kallakurichi District.
(Crime No.298 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.298 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.K.Gangadaran

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 10.12.2024, seeking bail in Crime No.298 of 2024 registered for the offence under Sections 331(4), 305(a), 49 of BNS Act.



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2. The case of the prosecution is that the petitioners are brother and mother of one Vijay, who is arrayed as A1 and that they have committed theft of 2 1/2 sovereigns of gold jewellery worth Rs. 62,500/- and cash of Rs.25,000/-. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that, even according to the case of the prosecution, the first accused is the actual offender and the detention order was passed against him and that the petitioners was sought to be implicated only because they are related to him. He further submitted that the petitioners are in custody from 10.12.2024 and since further custody is not required, the petitioners may be released on bail.

4. Learned Government Advocate (Crl.Side) submitted that the petitioners who are the family members of A1 were also involved in the commission of theft in various house. He further submitted that, investigation is pending.



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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. To a specific question put by this Court as to what is the material to implicate the petitioners, the learned Government Advocate (Crl. Side) submitted that, investigation is pending.

7. Admittedly, the petitioners were arrested on 10.12.2024 and the first accused was detained under Act 14 by an order dated 06.10.2024. Considering the aforesaid facts; period of incarceration; and that since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate I, Ulundurpet.**

[a] the sureties shall affix their photographs and Left



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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;

[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.

06.02.2025

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To



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1. Judicial Magistrate I, Ulundurpet.
2. The Inspector of Police,
Elavanasoorkottai Police Station,
Ulundurpet Circle,
Kallakurichi District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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