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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5074 of 2025

Sentamilpriya

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District.

(Crime No.419 of 2024)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.419 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 24.12.2024, seeking bail in Crime No.419 of 2024 registered for the offence under Section 305(a) of BNS.

2.It is the case of the prosecution that the petitioner had committed theft of 10 grams gold jewel from the defacto complainant's daughter-in-law. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and there is no previous case against her and that the jewel has been seized and the petitioner has been in custody from 24.12.2024 and hence, further custody of the petitioner is not required.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the stolen article has been seized and there is no previous case against the petitioner and charge sheet has been filed.



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

6. Considering the period incarceration, the fact that the stolen article has been recovered, charge sheet has been filed and no previous case is pending against the petitioner and since further custody of the petitioner is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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 **Judicial Magistrate – II, Nagapattinam**, 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;

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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner 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 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 ***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.

25.02.2025

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Copy to:

1.The Inspector of Police,



Velipalayam Police Station,
Nagapattinam District.

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2.The Judicial Magistrate – II, Nagapattinam.

3.Mahila Jail, Thiruvavarur.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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