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CrI.O.P.No.16915 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16915 of 2025

Diwakar

... Petitioner/A1

Versus

State rep. By:

The Inspector of Police,

Avinashi Police Station,

Tiruppur.

(Crime No.54 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in C.C.No.150 of 2025 on the file of the Judicial Magistrate, Avinashi.

For Petitioner : Ms.M.Vindhiya

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.01.2025, for the offence punishable under Sections 331(3), 331(4)



Crl.O.P.No.16915 of 2025

and 305(a) @ 331(4) and 305(a) of BNS in connection with Crime No.54

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of 2025, registered on the file of the respondent, seeks bail.

2. The contention of the learned counsel for the petitioner is that the petitioner along with another accused broke open the house of the de-facto complainant and committed theft of 1 sovereign gold coin worth about Rs.10,000/-. Since the petitioner hails from Srilanka, the language of the petitioner was different from the local dialect. Hence, on suspicious alone, he was caught and a case has been foisted on him. Therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl. Side) submitted that the petitioner is a Srilankan and there are several cases registered against him. He further submits that the petitioner along with his wife in the guise of searching job, used to identify locked houses and thereafter, committed house breaking and theft in the night hours. Therefore, he opposed for grant of bail to the petitioner.

4. The learned counsel for the petitioner refuted the above submission by stating that the petitioner is not a Srilankan and the



petitioner was born and brought up in Madurai. In two case alone, he was involved and thereafter, in other cases, he was shown as accused.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, 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 his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate at Avinashi** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

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



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CrI.O.P.No.16915 of 2025

orders except on the date he appears before the trial Court for hearing in connection with other cases;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

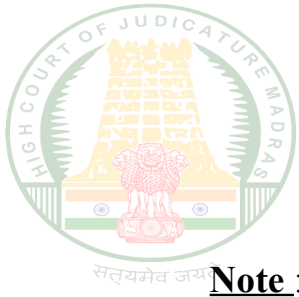
[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

07.08.2025

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CrI.O.P.No.16915 of 2025

Note :

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1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate,
Avinashi.
- 2.The Inspector of Police,
Avinashi Police Station,
Tiruppur.
- 3.The Superintendent,
Central Prison II, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.16915 of 2025

M.NIRMAL KUMAR, J.

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Crl.O.P.No.16915 of 2025

07.08.2025