



Crl.O.P.Nos.17112 & 17115 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.17112 & 17115 of 2025

M.Kumaresan

.. Petitioner/A2 in
Crl.O.P.No.17112 of 2025

M.Karthikayan @ Karthi

.. Petitioner/A1 in
Crl.O.P.No.17115 of 2025

Vs.

State Rep. by
The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
(Crime No.87 of 2025)

.. Respondent in both Crl.O.Ps.

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail, pending investigation in the above Crime No.87 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Govindaraj
in both Crl.O.Ps.

For Respondent : Mr.L.Baskaran
in both Crl.O.Ps. Government Advocate (Crl.Side)

COMMON ORDER



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The petitioners, who were arrested and remanded to judicial custody on 15.04.2025, for the offences punishable under Section 331(3), 331(4) and 305(a) of BNS, 2023 in connection with Crime No.87 of 2025, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that petitioners along with another accused had stolen 6 ½ sovereigns of Gold jewels of the de-facto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioners are innocent persons and they are no way connected with the alleged offence. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the prosecution case and submitted that in this case there are totally three accused, the petitioners are ranked as A2 and A1, respectively.



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A3 in this case is still absconding. The property is recovered from A1 and A2. As regards petitioner/A2, he was arrested in master case in Crime No.59 of 2025 on 20.03.2025 and PT warrant issued on 08.04.2025 in the above case. He further submitted that the petitioner/A2 has got 2 previous cases including the master case and petitioner/A1 has got 14 previous cases.

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

6. Considering the submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioners, 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 separate 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 Sendamangalam**, 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;



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[b] the petitioners shall report before the respondent Police everyday morning at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

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

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

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, they 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 petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

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



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Note :

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,
Sendamangalam.
- 2.The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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