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Crl.O.P.No.17113 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17113 of 2025

M.Karthikayan @ Karthi

... Petitioner/A1

Vs.

State Rep. by
The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
(Crime No.94 of 2025)

... Respondent

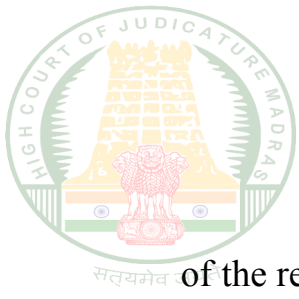
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail, pending investigation in the above Crime No.94 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Govindaraj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.04.2025, for the offences punishable under Sections 331(3) and 305(a) of BNS, 2023 in connection with Crime No.94 of 2025, registered on the file



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of the respondent, seeks bail.

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2. The case of the prosecution is that petitioner along with another accused had stolen 3 sovereigns of gold jewels of the de-facto complainant.

Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence. He further submitted that the co-accused/A2 was granted bail by this Court in Crl.O.P.No.16829 of 2025. Hence, the custodial interrogation of the petitioner is not required and he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that from the petitioner 23.610 grams of gold recovered and 0.390 grams of gold yet to be recovered. He further submitted that co-accused/A2 was granted bail by this Court in Crl.O.P.No.16829 of 2025. He further submitted that the petitioner has 14 previous cases.

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



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6. Considering the submissions made by the learned counsels on either side and the fact that co-accused/A2 was granted bail by this Court in Crl.O.P.No.16829 of 2025 and since, custodial interrogation of the petitioner is not required, 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 **Judicial Magistrate No.II at Namakkal**, 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 evening at 06.00 p.m., for a period of three weeks and thereafter as and when required for interrogation;**

[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



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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.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



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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 No.II,
Namakkal.

2. The Inspector of Police,
Puduchatram 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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