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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17323 of 2025

Farveen Nisha

... Petitioner

Vs.

Union Territory of Puducherry
Rep by The Station Housse Officer (SHO)
“D” Nagar Police Station,
Puducherry
Crime No. 90 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.90 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.Prakash Adiapadam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.05.2025, for the offence punishable under Section 305(a) BNS, 2023, in connection with Crime No.90 of 2025, registered on the file of the respondent, seeks bail.



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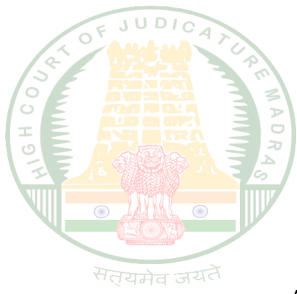
2. The case of the prosecution is that the petitioner is alleged to have involved in the theft of gold jewels of the defacto complainant. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. The petitioner is a single parent having two children and a old mother . He also submitted that the petitioner is in no way connected with the alleged offence. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner, taking advantage of the absence of the defacto complainant, has stolen 10 sovereigns of gold jewels out of which only 68 gms of gold was recovered. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and the petitioner is a single parent having two children, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 No.I, Puducherry**, 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., for a period of three weeks and thereafter, as and when required for further 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 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



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M.NIRMAL KUMAR, J.

gv

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.

17.06.2025

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 No.I, Puducherry.
2. Union Territory of Puducherry
Rep by The Station Housse Officer (SHO)
“D” Nagar Police Station,
Puducherry
Crime No. 90 of 2025
3. The Superintendent,
Central Prison, Kalapet, Puducherry.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.17323 of 2025