



Crl.O.P.No.17777 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17777 of 2025

1. Sunil

2.Mukesh

3. Himmat Singh

.. Petitioners

Vs.

State rep by

The Inspector of police

Kovilpalayam Police Station,

Coimbatore

Crime No. 547 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in Crime No.
547 of 2024 on the file of respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

For Intervenor : Mr.M.Marudhachalam



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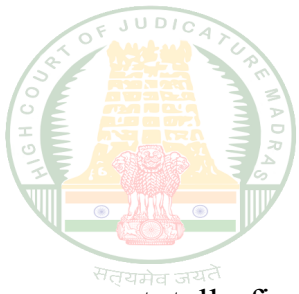
ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.03.2025, for the offence punishable under Sections 331(3), 317(2), 305(a) of BNS Act, 2023 @ 331(4), 305(a), 317(2), 317(4) of BNS Act in Crime No. 547 of 2024, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that on 31.10.2024, the defacto complainant visited Pollachi to see his parents. At that time, some unknown persons broke the lock of the defacto complainant's house and involved in theft of 118 ½ sovereign's of gold and 75 carats of diamond jewellery. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in no way connected with the alleged offence. It is the contention of the petitioners that they are not conversant with the local language, due to the same, during enquiry, they were unable to give their explanation. On mere suspicion, they were arrested. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

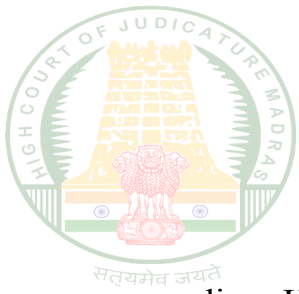
4. Learned Government Advocate (Crl.side) appearing for the respondent police, reiterated the prosecution case and submitted that there are



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totally five accused in this case and the petitioners/A1 to A3 committed a theft of 118 sovereign's of gold, 75 carats of diamond and 1,120 US dollars from the defacto complainant's house. He submits that all the accused persons are hailing from the State of Madhya Pradesh. He also submits that 26 sovereign's of gold has been recovered and A4 and A5 were receiver of stolen articles. He submits that there are witnesses in this case confirming the petitioners' act of committing the theft. He further submits that there are ten previous cases pending against the 1st and 2nd petitioners and 3 previous cases were pending against the 3rd petitioner. He also submits that in this case, investigation has been completed and charge sheet has also been filed before the Bomb Blast Court, Coimbatore, in S.C.No.178 of 2025. Hence, he strongly opposed to grant bail to the petitioners.

5. The learned counsel for the intervenor submitted that A4 and A5 are the persons, who had employed A1 to A3, made all travel arrangements and also identified the properties where the offences were to be committed. He submits that all the accused joined together and committed a theft of 118 sovereign's of gold, 75 carats of diamond and 1,120 US dollars from the house of the defacto complainant. He submits that out of the stolen articles, only 26 sovereign's of gold has been recovered hence, for recovering the balance articles, further investigation petition has been filed before the Trial Court and the same is



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pending. He also submits that A5 has filed bail application before the lower court in Crl.M.P.No.16696 of 2025 and the trial court has dismissed the same observing that the trial could be completed within a period of six months. He submits that if the petitioners were granted bail, they will abscond and the recovery of remaining articles would become impossible. Hence, he strongly opposed for grant of bail to the petitioners.

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

7. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, it is seen that the petitioners are alleged to have committed a serious offence. Further , in view of the fact that further investigation petition filed by the defacto complainant is pending and the remaining stolen articles are yet to be recovered, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, the Criminal Original Petition stands dismissed.

24.07.2025
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To

1. The Judicial Magistrate, Annur
2. The Inspector of police
Kovilpalayam Police Station,
Coimbatore
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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