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Crl.O.P.No.22477 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

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THE HONOURABLE Dr.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.22477 of 2025

1.Kandhasamy

2.Govindhasamy

... Petitioners

Vs.

State Rep.by

The Inspector of Police,

Avinashipalayam Police Station,

Tiruppur District.

(Cr.No.368 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.368 of 2025 on the file of the respondent. pending investigation.

For Petitioners : Mr.N.Ponraj

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 14.07.2025, for the offence punishable under Section303(2) of



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BNS, 2023 (Section 379 of IPC) in Crime No.368 of 2025, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that it relates to the theft of an Ashok Leyland Tipper Lorry bearing Registration No.TN 42 E 1229, which had been parked in a mechanical shop for replacement of tires.

3. The learned counsel appearing for the petitioners submitted that the 1st petitioner is a painter by profession and without the knowledge that the vehicle was a stolen one, he had painted it. As regards the 2nd petitioner, who is A1, the learned counsel submitted that he had been detained under Act 14. 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. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioners. He further submitted that after completion of the investigation, the final report has been filed. Meanwhile, the stolen vehicle has also been recovered and temporarily handed over to its owner.



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

6. Considering the nature of the case and the overt act attributed by the 1st petitioner and while dismissing the bail petition filed by the 2nd petitioner since he is already detained under Goondas, this Court is inclined to grant bail to the 1st petitioner, subject to certain conditions.

7. Accordingly, the 1st petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Palladam** 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 1st petitioner shall report before the Judicial Magistrate, Palladam daily at 10.30.a.m., of all working days till 30.09.2025;**

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled



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to pass appropriate orders against the 1st petitioner in accordance with law as if the aforementioned conditions have been imposed and the 1st 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]**;

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

12.08.2025

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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, Palladam,
- 2.The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.



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3. Central Prison, Coimbatore

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4. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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