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Crl.O.P.No.23995 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

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

Crl.O.P.No.23995 of 2025

Dharmalingam

... Petitioner

Vs.

State Rep. by:

The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.21 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.21 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.S.Prabu

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.07.2025, for the offence punishable under Sections 331(3) and 305(a) of BNS, 2023, in Crime No.21 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that, the petitioner, along with



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another accused, broke into the house of the defacto complainant and stolen gold ornaments worth Rs.50,000/-. Hence, the present complaint.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail to the petitioner and submitted that the stolen articles were recovered from him and the petitioner has 7 previous cases of a similar nature. He further submitted that releasing the petitioner on bail may lead to a recurrence of such offences.

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

5. Considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

6. Accordingly, the 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, Kumarapalayam** and on further conditions that:



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[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 stay in Salem and report before the Fairlands Police Station, Salem, twice a day at 10.00 a.m., and 5.00 p.m., until further orders;

[c] 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]**;

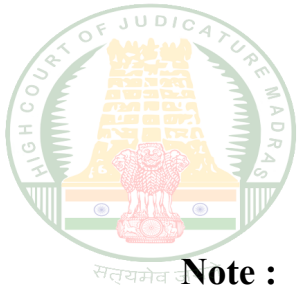
[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

01.09.2025

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Dr.G.JAYACHANDRAN, J.

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Note :

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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.

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To

1.The Judicial Magistrate, Kumarapalayam.

2.The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

3.The Superintendent, Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

01.09.2025