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Crl.O.P.No.26551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.26551 of 2025

1.Vijayakumar
2.Vivak

... Petitioners/A3 & A8

Vs.

The State Rep. by
The Inspector of Police,
Jolarpet Police Station
Thirupathur District.
(Crime No.232 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail pending
investigation in Crime No.232 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

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



ORDER

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The petitioners, who were arrested and remanded to judicial custody on **15.09.2025** for the alleged offences punishable under Sections **448, 461, 454 & 380 of IPC, in Crime No.232 of 2025** on the file of the respondent police, seek bail.

2. The allegation against these petitioners is that they are relatives of the defacto complainant and they entered into the house of the defacto complainant and taken away 5 ½ kg of gold jewels, 8 kilos of gold coin, 24 diamond stones, 10 kilos of silver articles, cash and other documents. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent person and they have been falsely implicated in this case. He submits that there is a property dispute between the petitioners and the defacto complainant which is now been given a criminal colour. He also submits that already a partition suit is pending between the petitioners and the defacto complainant. He further submits that they have not stolen any



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property since it is only a property belongs to the family which is shared amicably among themselves and it should not be termed as theft case. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and ready to furnish sufficient solvent sureties for their release and the co-accused already granted anticipatory bail by this Court in Crl.O.P.No.25301 of 2025 dated 16.09.2025. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, reiterated the prosecution case and submitted that the co-accused already granted anticipatory bail by this Court in Crl.O.P.No.25301 of 2025 dated 16.09.2025. Hence, he strongly opposed grant of bail to the petitioners.

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

6. Considering the facts and circumstances of the case, the period of incarceration undergone by the petitioners, also the fact that already a civil suit is pending between the parties and the co-accused already granted



anticipatory bail by this Court in Crl.O.P.No.25301 of 2025 dated 16.09.2025, this Court is inclined to grant bail to the petitioners with certain conditions;

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7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only) each**, with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Thirupattur, Thirupattur District**, 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;**

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in



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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.

25.09.2025

dna

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.



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To

1.The Judicial Magistrate No.I, Thirupattur,
Thirupattur District.

2.The Inspector of Police,
Jolarpet Police Station
Thirupathur District.
(Crime No.232 of 2025)

3.The Superintendent,
Sub-Jail, Thirupattur,
Thirupattur District.

4.The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

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