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Crl.O.P.No.3286



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.32868 of 2025

1.Syed Dadu
2.Irshad Pasha

... Petitioners

-VS-

State Rep by,
The Inspector of Police,
Thiruchengode Police Station,
Namakkal District.
(Crime No.260 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to
enlarge the petitioners on bail in Crime No.260 of 2025 pending investigation on
the respondent police.

For Petitioners : Mr.P.Dasarathan

For Respondent : Mr.A.Gopinath,



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Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.09.2025, for the alleged offence punishable under Sections 331(4), 305(a) of BNS, 2023, in Crime No.260 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against these petitioners is that, these petitioners were involved in the theft of iron rings valued about Rs.76,500/-. Hence this case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are an innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 29.09.2025 and ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution's case and submitted that the petitioners are involved in stealing the properties worth about Rs.76500/- and only Rs.70000/- have been recovered and all accused now arrested, and investigation is pending. He further submitted that the petitioners having one previous case similar in nature. Hence, he strongly opposed for grant of bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. The bail was earlier dismissed on the ground that the co-accused was still absconding. Now the co-accused has been arrested. Considering the fact that all accused have been arrested and the petitioner is in custody from 29.09.2025, though it is stated that the petitioner has one previous case, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their



executing a separate 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, Thiruchengode, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book 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.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions



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Crl.O.P.No.3286



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)AIR SCW 5560];

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

01.12.2025

mpa

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, Thiruchengode.

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

3.The Superintendent of Police,
Central Prison, Salem District.

4.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.3286



K. RAJASEKAR, J.

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