



CRL.OP(MD). No.2649 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2649 of 2025

1.Sankari @ Sivasankari

2.Parthipan

... Petitioners/ Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by

The Inspector of Police,

Karur Town Police Station,

Karur District.

(Crime No.764 of 2024)

... Respondent/Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.764 of 2024 on the file of the respondent-police.

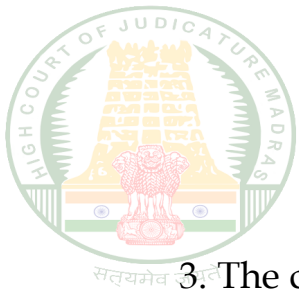
For Petitioners : Mr.P.Pagalavan

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 10.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Section 380 of IPC, in Crime No.764 of 2024 on the file of the respondent-police.



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3. The case for the prosecution is that the petitioners, who are husband and wife and relatives of the defacto complainant, attended the birthday function of the defacto complainant's son on 25.02.2024 and returned home thereafter. On 01.03.2024, while the defacto complainant and his family were preparing to attend a marriage function and opened their steel almirah to take their personal jewels, they noticed that 13 sovereigns of gold jewelry and a sum of Rs.7,00,000/- in the steel almirah were missing. Consequently, the defacto complainant became suspicious of his relatives and inquired with them. It was later revealed that the petitioners had stolen the items. The petitioners admitted to their crime and requested the defacto complainant not to file a complaint, assuring that they would return the stolen items after a marriage in their family. Believing the petitioners' assurance, the defacto complainant refrained from lodging the complaint. The petitioners called the wife of the defacto complainant to the marriage function of their relative at Melavayal, Pudukkottai to return the stolen items. Pursuant to this, on 10.08.2024, the wife of the defacto complainant attended the marriage function. However, on the same day, at about 08:00 p.m., while the wife of the defacto complainant was attending the marriage function, the petitioners, along with A3, abused her and assaulted her with an iron rod. Hence, this case.

4. Mr.P.Pagalavan, the learned counsel for the petitioners, submits that the



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petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners. He further submits that the first petitioner is 8 ½ months pregnant and undergoes regular checkups and medical care and that the delivery may occur at any time.

5. Per contra, Mr. K. Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 3 accused persons in this case and the petitioners have been arrayed as Accused Nos.1 and 2. He further submits that the stolen properties were recovered and that there are no previous cases against the petitioners. However, he contends that if the petitioners are granted pre-arrest bail, they will cause any threat to the defacto complainant and his wife. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records. This Court has also perused the copy of the pregnancy check-up records of the first petitioner produced by the learned counsel for the petitioners.

7. According to the prosecution case, totally three accused were involved in this case. Petitioners are arrayed as A1 and A2. The first petitioner's mother is arrayed as A3. The first petitioner is a pregnant lady. The petitioners and the defacto



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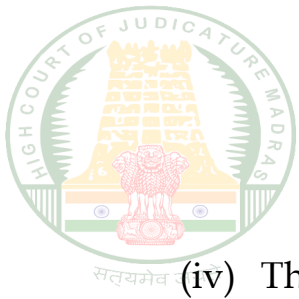
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complainant are close relatives. The petitioners have no previous cases and the alleged stolen articles were recovered from the petitioners. Hence, custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in this society. Considering the nature of offence allegedly committed by the petitioners and considering the fact that the alleged stolen articles were recovered by the respondent-police, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.I, Karur, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Karur.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The second petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.



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(iv) The petitioners shall make themselves available for interrogation by investigating officer as and when required.

(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and his wife and witnesses and shall not tamper the evidence.

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
13/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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1 THE JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, KARUR TOWN POLICE STATION,
KARUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.D.RAMKI, Advocate SR.No.9954[F] Dated 17/02/2025

ORDER
IN

CRL OP(MD) No.2649 of 2025

Date :13/02/2025

RS/SKN/SAR-(24.02.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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