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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP(MD) No.3492 of 2025

Santhosh

... Petitioner/ Accused
rank not known

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
K.K.Nagar Police Station,
Trichy District.
Crime No.11 of 2024

... Respondent/Complainant

For Petitioner : Mr.S.Ananthamurugan

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

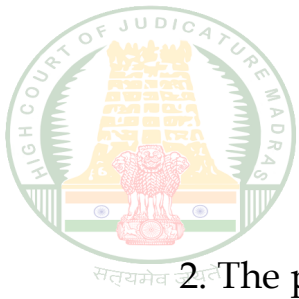
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.11 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant

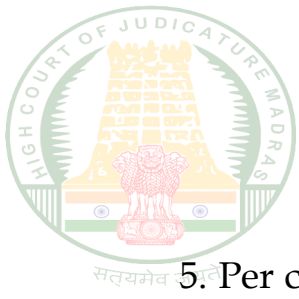


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2. The petitioner was remanded to judicial custody on 30.12.2024 for the alleged offences punishable under Sections 454 & 380 of IPC, in Crime No.11 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 13.01.2024, at about 11:00 a.m., the defacto complainant, along with her son, went to her mother's house to drop her mother. On the same day, at about 06:20 p.m., a neighbour of the defacto complainant informed her that their dog was barking continuously. Subsequently, the defacto complainant called the worker at her house and instructed her to check on the dog. The worker called the defacto complainant and stated that the dog was locked in the bathroom and the back door of the house was open. Upon hearing this, the defacto complainant rushed home and noticed that 2 sovereigns of jimiki and 2 sovereigns of a ruby necklace had been stolen from the house. Hence, the case.

4. Mr.S.Ananthamurugan, the learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the petitioner. He further submits that the petitioner has been falsely implicated in this case. He further submits that though the occurrence is said to have taken place on 13.01.2024, the petitioner was arrested on 30.12.2024, i.e., after 11 months, which is suspicious. He further submits that the petitioner has been in judicial custody from 30.12.2024. He therefore prays to grant bail to the petitioner.



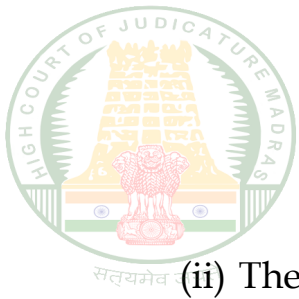
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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-police, on instructions, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2 and also the co-accused/ A1 is still absconding. He further submits that the property has not been recovered till date. He further submits that the petitioner has five previous cases and therefore, if this Court grants bail to this petitioner, he will commit similar offences. Therefore, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner has been in judicial custody from 30.12.2024. The petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and the nature of offence allegedly committed by the petitioner and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II. Trichy;



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(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 No.II. Trichy, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

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

(vi) The petitioner shall not directly or indirectly cause threat to the defacto complainant and the witnesses;

(vii) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;

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

(viii) On breach of any of the aforementioned conditions, the learned Judicial



Magistrate No.II. Trichy, is entitled to pass appropriate orders against the petitioner
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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/-
25/02/2025

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25/02/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE JUDICIAL MAGISTRATE NO.II,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
K.K. NAGAR POLICE STATION,
TRICHY DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,

MADURAI

<https://www.hmc.tn.gov.in/judis>



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ORDER

IN

CRL OP(MD) No.3492 of 2025

Date :25/02/2025

NBF/SAR/ (25/02/2025) 6P/6C

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