



CRL OP (MD) No.5316 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5316 of 2025

Matheswaran

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
Crime No.30 of 2025

... Respondent/ Complainant

For Petitioner : Mr.J.Vishnu

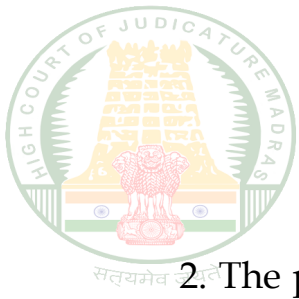
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.30 of 2025 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 19.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 26.02.2025 for the alleged offences punishable under Sections 331(4) and 305 of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.30 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant's native village is Karungulam, and he is now residing in Chennai. He arranged for one Selvi to clean the entrance of his house daily. On 22.02.2025, the said Selvi informed the defacto complainant that the lock of his house had been broken. Knowing this, the defacto complainant returned to Karungulam and came to know that gold and silver articles worth about Rs. 90,000/- were stolen. Hence the case.

4. Mr.J.Vishnu, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submits that the stolen properties were recovered from A1 and A2 . He further submits that the petitioner has been in judicial custody since 26.02.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there are totally three accused



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persons in this case and that the petitioner and the other accused persons committed robbery in the house of the defacto complainant and stole silver articles worth about Rs.90,000/-. He further submits that the properties were recovered from A1 and A2. He further submits that the petitioner has two previous cases, one of which is similar in nature. He further submits that if bail is granted to the petitioner, he may commit a similar type of offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 26.02.2025 and has been in judicial custody since then. The petitioner has two previous cases, one of which is similar in nature. In view of the offence allegedly committed by the petitioner and the entire properties were recovered from the co-accused persons/ A1 and A2, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Considering the same, and also considering the period of incarceration, 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees



Twenty Five Thousand only) to the satisfaction of the learned Principal District
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Munsif cum Judicial Magistrate, Thiruppathur;

(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 Principal District Munsif cum Judicial Magistrate, Thiruppathur shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur;

(iv) The petitioner shall appear and sign before the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur on all working days at 10.30 a.m. and 5.00 p.m., until further orders;

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

(vi) 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;

(vii) 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



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evidence;

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

(ix) The petitioner shall not enter into the defacto complainant's house or workplace, and shall not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur is entitled to pass appropriate orders against the petitioner 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/-
21/03/2025

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21/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPATHUR.



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER IN
CRL OP(MD) No.5316 of 2025
Date :21/03/2025

SA/SAR. /21.03.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.