



CRL OP (MD) No.5725 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5725 of 2025

Suryaprakash

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.211 of 2024

... Respondent/Complainant

For Petitioner : Mr.T.Palanisamy

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

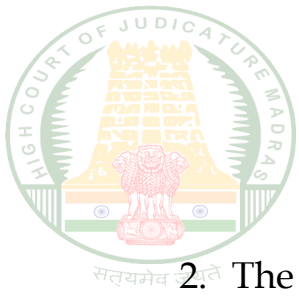
PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.211 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 25.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.



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2. The petitioner/A1 was arrested and remanded to judicial custody on 24.02.2025 for the alleged offences punishable under Sections 380 and 457 of Indian Penal Code, 1860, in Crime No.211 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 04.06.2024, at about 07.00 p.m., when the defacto complainant and his family members returned home from Thiruppathi, they noticed that the bureau in the Puja room had been broken open and their 14 ¼ sovereigns of jewels and cash of Rs.35,000/- had been stolen. Hence the case.

4. Mr.T.Palanisamy, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 24.02.2025 and is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner is A1 and that A1 and A2 are brothers. He further submits that A2, who is still at large, entered the defacto complainant's house, broke open the bureau, and stole the jewels and cash. He further submits that, out of 14 ¼ sovereigns, only 12 grams of a gold chain and 1 gram of a gold ring have been recovered from the petitioner. He further submits that the petitioner has no previous cases. However, he submits that if the petitioner is



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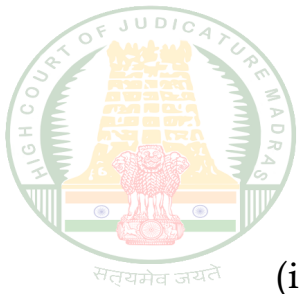
enlarged on bail, he will cause threat to the defacto complainant and witnesses. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 24.02.2025 and has been in judicial custody since then. The petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering same and also considering the period of incarceration and taking note of the fact that the petitioner is a first offender and with a view to give an 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, Melur;

(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, Melur shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Melur;

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

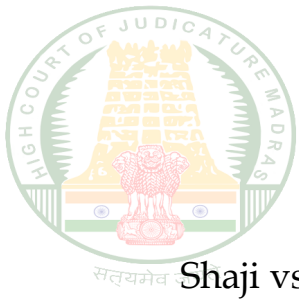
(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(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 evidence;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Melur 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.



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Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

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

mbi

TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, MELUR.

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

ORDER
IN

CRL OP(MD) No.5725 of 2025

Date :27/03/2025

RS/IT/SAR-(28.03.2025) 5P 6C

Madurai Bench of Madras High Court is issuing
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