



CRL OP (MD) No.8175 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.8175 of 2025

1. Mahendiran

2. Gopinath

... Petitioners/ A10 & A11

Vs.

The State of Tamil Nadu
Rep. by The Inspector of Police,
Idol Wing, Chennai.
Crime No.17 of 2023

... Respondent/Complainant

For Petitioners: Mr.P.Venkatesan,
Advocate

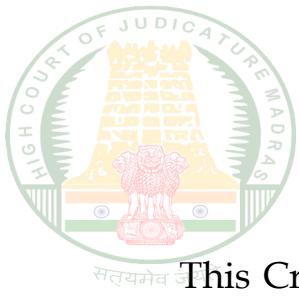
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.17 of 2023 on the file of the respondent-police.

ORDER : The Court made the following order :-



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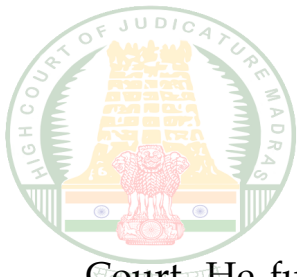
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This Criminal Original Petition has been filed by the petitioners on 28.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of bail.

2. The petitioners/Accused Nos.10 and 11 were arrested and remanded to judicial custody on 20.02.2025 for the offences punishable under Sections 457(2) and 380(2) of Indian Penal Code, 1860, in Crime No.17 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that on 01.12.2023, at about 18:00 hours, based on secret information, while the respondent-police were on patrol duty, they found that A1 to A4 were transporting three metal idols in a car bearing Registration No.TN-25-L-0078. Thereafter, the respondent-police seized the car and the metal idols from the accused persons and arrested them. Based on the confession of Accused No.5, the petitioners herein have been arrayed as Accused Nos.10 and 11 in this case. Hence, the complaint.

4. Mr.P.Venkatesan, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution and that a false case has been foisted against them. He further submits that the names of the petitioners do not find place in the First Information Report. He further submits that they are ready to abide by any conditions that may be imposed by this



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Court. He further submits that the petitioners have been in judicial custody since 20.02.2025. Hence, he prays to grant bail to the petitioners.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the investigation has almost been completed and that the stolen properties have been recovered from the accused persons. He further submits that the petitioners were attempting to sell the idols. He further submits that if the petitioners are enlarged on bail, they may abscond, thereby causing delay in the investigation proceedings. He further submits that there is no previous case pending against the petitioners. However, he vehemently opposes to grant bail to the petitioners.

6. Heard on both sides and perused the records.

7. The petitioners were arrested and have been in judicial custody since 20.02.2025. In view of the fact the investigation has almost been completed and that the stolen properties and vehicle have been recovered from the accused persons, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigating Agency in this case. Further, the petitioners have permanent residence, and hence, there is less possibility of absconding. Considering the above and considering the period of incarceration and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the



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petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for 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 Additional Chief Judicial Magistrate, Madurai;

(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 Additional Chief Judicial Magistrate, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Additional Chief Judicial Magistrate, Madurai;

(iv) The petitioners shall stay at Trichy after execution of suretyship and shall appear and sign before the Inspector of Police, Idol Wing CID, Trichy Range, Trichy District, daily at 10:30 a.m. until further orders;

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

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(viii) On breach of any of the aforementioned conditions, the learned Additional Chief Judicial Magistrate, Madurai is entitled to pass appropriate orders



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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/-
30/04/2025

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02/05/2025

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

tsg
TO

1 THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, MADURAI.

2 THE INSPECTOR OF POLICE
IDOL WING CID, TRICHY RANGE, TRICHY DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, IDOL WING CHENNAI.

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

+1 CC to M/s.P.VENKATESAN, Advocate (SR-5272[I] dated 30/04/2025)



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ORDER
IN
CRL OP(MD) No.8175 of 2025
Date :30/04/2025

NBF/SAR/02.05.2025 6P/7C

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