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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). Nos.8133 & 8138 of 2025

Pradeep

... Petitioner in Crl.O.P.(MD)
No.8133 of 2025/A12

Sruthiharan

... Petitioner in Crl.O.P.(MD)
No.8138 of 2025/A11

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Samayanallur Police Station,
Madurai District.
Now transferred to Idol Wing
CID, Madurai District.
Crime No.495 of 2015

... Respondent in both
Petitions/Complainant

In Both Petitions

For Petitioner : Mr.N.Pragalathan,
Advocate

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



PETITIONS FOR BAIL Under Sec.483 of BNSS

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COMMON PRAYER :-

For Bail in Crime No.495 of 2015 on the file of the respondent-police

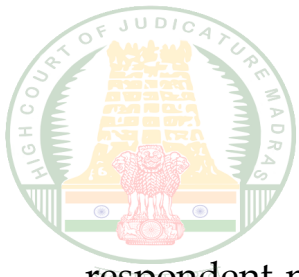
COMMON ORDER : The Court made the following common order :-

These Criminal Original Petitions have 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.12 and 11 were arrested and remanded to judicial custody on 05.04.2025 for the offences punishable under Sections 457 & 380 of Indian Penal Code, 1860 @ Sections 457, 380, 411 and 414 of Indian Penal Code, 1860, in Crime No.495 of 2015 on the file of the respondent-police.

3. The case of the prosecution is that on 31.12.2015, the accused persons, including the petitioners, committed the theft of six bronze idols. The case was initially registered at the Samayanallur Police Station and was later transferred to the Sub-Inspector of Police, Idol Wing (CID), Madurai. The sections were also subsequently altered.

4. Mr.N.Pragalathan, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the case pertains to the year 2015, and even in 2019, the



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respondent-police had enquired the petitioners and concluded that they had no connection with the crime. However, based on the subsequent confession of co-accused, the petitioners have now been arrayed as Accused Nos.12 and 11, and were arrested nearly 10 years after the date of the alleged offence. The petitioners have no connection with the alleged crime. He however submits that the petitioners have been in judicial custody since 05.04.2025 and are ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners, along with the other accused persons, committed the theft of six idols, out of which four idols have been recovered, while two idols are yet to be recovered from the accused persons. He further submits that although the earlier investigation revealed that the petitioners had no connection with the crime, the subsequent confession of co-accused confirms the involvement of the petitioners in the theft of the idols. Therefore, they were arrayed as accused and arrested. He further submits that there is no previous case pending against the petitioners. He also submits that if the petitioners are enlarged on bail, they may abscond, thereby delaying further investigation. Accordingly, he vehemently opposes to grant bail to the petitioners.

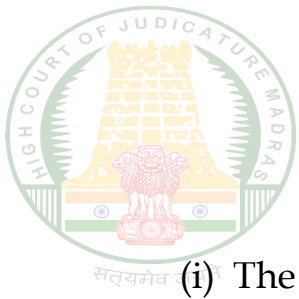


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6. Heard on both sides and perused the records.

7. The petitioners were arrested on 05.04.2025 and have been in judicial custody since then. The value of the stolen properties i.e., idols, as stated in the First Information Report, is Rs.30,000/-. The alleged occurrence took place in the year 2015. However, the respondent-police have arrayed the petitioners as accused only based on the confession statement of a co-accused and subsequently arrested them. Except for the confession statement of the co-accused, there is no material evidence on record to connect the petitioners with the crime. In view of the above, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigating Agency in this case. To be noted, the above view is recorded only for the purpose of deciding this bail petition and would not, in any way, cause any prejudice to the rights of the prosecution in establishing the case.

7.1. Further, the petitioners have permanent residence, and hence, there is less possibility of absconding. Considering the above as well as the period of incarceration, and taking note of the fact that there is no previous antecedents against the petitioners, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:



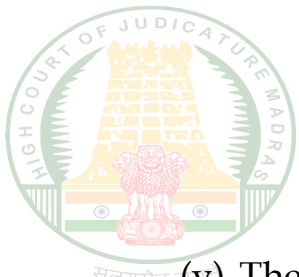
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(i) The petitioner in CrI.O.P.(MD) No.8133 of 2025 shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties [one surety shall be a blood relative] each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Additional Chief Judicial Magistrate, Madurai, Madurai District. The petitioner in CrI.O.P.(MD) No.8138 of 2025 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 Additional Chief Judicial Magistrate, Madurai, Madurai District;

(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, Madurai District, 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, Madurai District;

(iv) The petitioner in CrI.O.P.(MD) No.8133 of 2025 shall not leave Kerala and the petitioner in CrI.O.P.(MD) No.8138 of 2025 shall not leave Tamil Nadu without prior permission from the learned Additional Chief Judicial Magistrate, Madurai, Madurai District;



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(v) The petitioners shall appear and sign before the respondent-police weekly twice (i.e., on Monday and Friday) at 09.00 a.m., until further orders;

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

(vii) 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;

(viii) 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

(ix) On breach of any of the aforementioned conditions, the learned Additional Chief Judicial Magistrate, Madurai, Madurai District, 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, these Criminal Original Petitions are allowed subject to the conditions stated supra.

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sd/-
30/04/2025

30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1.The Additional Chief Judicial Magistrate,
Madurai, Madurai District.

2.The Superintendent,
Central Prison, Madurai,
Madurai District.

3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

4.The Inspector of Police, Idol Wing
CID, Madurai District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S. PRAGALATHAN.N. Advocate SR.No.5222(I) DT.30.04.2025



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ORDER

IN

CRL OP(MD). Nos.8133 & 8138 of 2025

Date :30/04/2025

PP/SAR. /02.05.2025/8P/7C

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