



CRL OP(MD). No.10708 of 2025

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

Date : 01.07.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.10708 of 2025

Karthick Pandian,
S/o.Gurusamy

...Petitioner / Accused No.4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
(Crime No.140 of 2024)

... Respondent/ Complainant

PRAYER :- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in C.C.No.18 of 2025 on the file of the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur in connection with the Crime No.140 of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Naveen Kumar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate



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(Criminal Side)

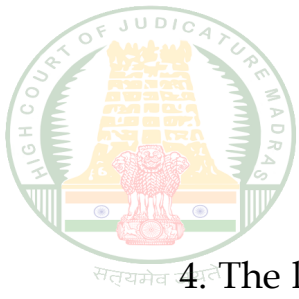
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ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 29.11.2024 for the offences punishable under Sections 305 and 331(4) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.140 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.10.2024 one Chidambaran has given a complaint before the respondent police that he is having an ancestral house situated at Kandaramaanickam. That on 31.10.2024, he received information that his ancestral house lock was broken. On intimation, the defacto complainant came to his house and found the locks and Bero were broken and further many gold and silver articles were stolen from his house. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit the petitioner was neither involved in the alleged theft nor did he assist the prime accused in committing the offence. He would further submit that the petitioner is in custody from 29.11.2024. Hence, he seeks bail.



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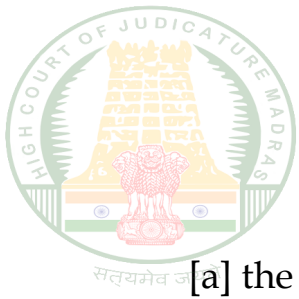
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4. The learned Government Advocate (Criminal Side) would submit that there are totally five accused persons in this case and the petitioner has been arrayed as A4. He would further submit that the investigation in this case has been completed, and charge sheet has been filed. The same has been taken on file in C.C. No.18 of 2025 on the file of the learned Principal District Munsif-cum-Judicial Magistrate, Thiruppathur. He would also submit that there are nine previous cases against the petitioner and therefore, he opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also taking note of the stage of the case, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of learned Principal District Munsif cum Judicial Magistrate, Thiruppathur and on further conditions that:-



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall furnish his residential address and mobile number to the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur. If the petitioner changes his residential address, he shall report the same to the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur.

[c] the petitioner shall report before the respondent police daily twice at 10.00 a.m. and 05.00 p.m. until further orders except on hearing dates. On hearing dates, the petitioner shall appear before the Trial Court without fail.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS, 2023.

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

sd/-
01/07/2025

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01/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

1. THE PRINCIPAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUPPATHUR.
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.



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+2 CC to M/s.G.NAVEEN KUMAR, Advocate (SR-6984[I] dated 01/07/2025)

ORDER

IN

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Date :01/07/2025

HPS/01.07.2025 /6P/8C

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