



Crl.O.P.No.2739 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.2739 of 2026

1. Silambarasan
2. Bakkiyalakshmi

... Petitioners

Vs.

The State Rep. By,
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
Crime No.53 of 2026

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.53 of 2026 on the file of the respondent police.

For Petitioners : Mr.Magesh Kumar
For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)



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ORDER

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The petitioners herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b) and 303(2) of BNS, 2023 in Crime No.53 of 2026, on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioners is that the petitioners have involved in stealing of bronze articles belong to the defacto complainant, worth about Rs.60,000/-. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that investigation is pending and no property is recovered. Hence, he opposed for grant of bail to the petitioners.



5. I have gone through the FIR and other connected records.

6. On perusal of the FIR, it revealed that, A1 was seen taking the articles from the house and thereafter defacto complainant went to the house of the A1 and questioned A2. Considering the fact that there is no specific overt act against A2 is stealing, this Court is inclined to grant anticipatory bail to A2. However, considering the fact that A1 was involved in the offence and no property is recovered, this Court is not inclined to grant anticipatory bail to the A1/1st petitioner:

7. Accordingly, the 2nd petitioner/A2 are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Ulundurpet, Kallakurichi**, on condition that the 1st petitioner/A1 shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the 2nd petitioner/A2 fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order



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shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the 2nd petitioner/A2 shall report before the respondent police daily at 10.30.a.m., for a period of two weeks and thereafter as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the 2nd petitioner/A2 in accordance with law as if the aforementioned conditions have been imposed and the 2nd petitioner/A2 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)13 SCC 283]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

06.02.2026

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To

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1. Judicial Magistrate No.I, Ulundurpet, Kallakurichi.
- 2.The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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