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CRL OP No. 5826 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5826 of 2026

Mugesh S/o.Murugavel,
Ambethkar Street,
C.Kothangudi,
Chidambaram,
Cuddalore District.

..Petitioner(s)

Vs

The State Represented by:

The Station House Officer,
Killai Police Station,
Cuddalore District.
In Crime No.7 of 2026

..Respondent(s)

PRAYER: This Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the Petitioner on bail in Crime No.7 of 2026 on the file of Respondent Police Station and pass such further or other orders as this Honble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner(s): M.Ragul Kousik

For Respondent(s): Mr. S. Vinoth Kumar,
Government Advocate (Criminal side).

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.01.2026 for the alleged offences under Section 309(6) of B.N.S. in Crime



No.7 of 2026 on the file of the respondent police, seeks bail.

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2. This case has been registered against the petitioner and others for the theft of cell phone.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that only based on the confession statement of the co-accused, this petitioner has been implicated in this case and hence prays to enlarge the petitioner on bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent police reiterated the prosecution case and would further submit that there are previous cases against him and hence strongly objected to enlarge the petitioner on bail. However, he fairly submitted that those previous cases are not of similar nature.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. According to the learned counsel for the petitioner it is only a put up case. The learned Government Advocate (Criminal side) appearing for the



respondent police strongly opposed the above contention of the petitioner and submitted that there are two previous cases against the petitioner, however, those previous cases are not of serious nature of offences as like the present case.

6. In such view of the position, taking into consideration the long incarceration of the petitioner for more than 40 days from 26.01.2026, this Court is inclined to grant bail to the petitioner, subject to the following stringent 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 the learned **Judicial Magistrate No.I, Chidambaram** and on further conditions that:

[a] 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;

[b] the petitioner shall report before the respondent police daily twice at 10.30 a.m. and 5.30 p.m. for a period of 2 months and thereafter as and when required for interrogation;



[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]:

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

06-03-2026

MJS

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

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1. The Judicial Magistrate No.I, Chidambaram.
2. The Station House Officer, Killai Police Station, Cuddalore District.
3. The Superintendent of Police, Central Jail, Cuddalore.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

MJS

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