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CRL OP No. 9858 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9858 of 2026

Kartikraja Nagaraj

..Petitioner

Vs

The State rep by its
The Inspector of Police,
Palladam Police Station,
Crime No.1038/2025.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in SC.No.362 of 2025 on the file of the Session Judge, Special Court for Trial of cases under SC/ST Act, Tiruppur.

For Petitioner:

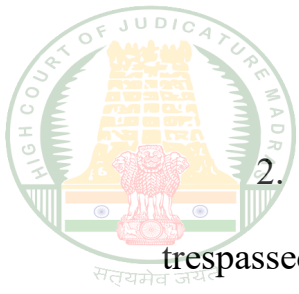
Mr. D.Nandhagopal

For Respondent:

Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.10.2025 for the alleged offences under Sections 331(3), 305(a), 3(5) and 111(2)(b) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.1038 of 2025 on the file of the respondent police, seeks bail.

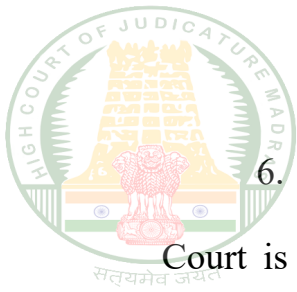


2. The case of the prosecution is that the petitioner along with others trespassed into the house of the defacto complainant and committed theft of two sovereigns of gold jewels, silver anklet and cash. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case and there is no proper recovery from him. It is further submitted that he is arrayed as A3 and there is no specific overt act. The learned counsel would further contend that the petitioner will not abscond and is ready to abide by any condition imposed by this Court. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are three accused in the case and the petitioner is arrayed as A3 and the entire property has been recovered. It is further submitted that investigation has been completed and the case is taken on file as S.C.No.362 of 2025. Though the petitioner has two previous cases, the same are not similar in nature. However, he opposed to grant bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.



6. Considering the submission of the learned counsel on either side, this Court is of the view that there are about three accused in this case and the present petitioner is arrayed as A3. Though the petitioner has got two previous cases, the same are not similar in nature and it is under Section 304A of Indian Penal Code, 1860. Hence, taking into consideration of the factual position and upon the fact that the entire property has been recovered and investigation has been completed and the case has been taken on file as S.C.No.362 of 2025, this Court is inclined to grant bail to the petitioner, subject to certain 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 for a like sum each to the satisfaction of the learned **Session Judge, Special Court for Trial of Cases under SC/ST Act, Tiruppur**, and subject to the following conditions:

[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 Trial Court concerned daily at 10.30 a.m. for a period of 30 days and thereafter as and when required for interrogation;

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



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[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 take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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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

1. The Session Judge, Special Court for Trial of case under SC/ST Act, Tiruppur.
2. The Central Jail, Coimbatore.
3. The Inspector of Police, Palladam Police Station.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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