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CRL OP No. 9845 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. 9845 of 2026

1. Akshara @ Kishore
2. Srimathi @ Vivek

..Petitioners

Vs

State rep. by its
The Inspector of Police,
Pallapatty Police Station,
Salem District.
(Crime No.66 of 2026)

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in crime No.66 of 2026, on the file of the respondent police.

For Petitioner:

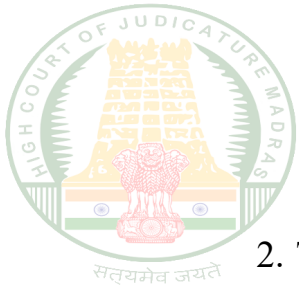
Mr.W.Camyles Gandhi

For Respondent:

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.03.2026 for the alleged offences under Sections 309(4), 311 & 351(3) of the Bharatiya Nyaya Sanhita, 2023, (392, 397 & 506(ii) of Indian Penal Code, 1860) in Crime No.66 of 2026 on the file of the respondent police, seeks bail.



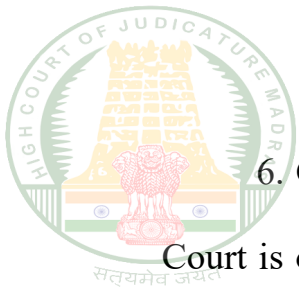
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2. The case of the prosecution is that on 13.03.2026 at about 03.30 a.m., the petitioners waylaid the defacto complainant, threatened him with iron rod, robbed silver articles, cell phone and transferred Rs.4,000/- through G-Pay and thereafter fled from the scene. Hence, the case was registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and falsely implicated in this case. The learned counsel would further submit that the petitioners have been in incarceration since 15.03.2026 and the recovery has already been effected and no further custodial interrogation is required. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that these petitioners have no previous cases and the allegation against him is that they have robbed silver articles and the property has already been recovered. It is further submitted that the petitioner has been in incarceration since 15.03.2026.

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



6. Considering the submissions of the learned counsel on both sides, this Court is of the view that the petitioners have no previous cases. The allegation against them is that they robbed silver articles and a mobile phone, and transferred Rs.4,000 via G-Pay. Taking into consideration the factual position that the property has already been recovered and that the petitioners have been in incarceration since 15.03.2026, this Court is inclined to grant them bail, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond each for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties each for a like sum each to the satisfaction of the learned Judicial Magistrate II, Salem, 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 petitioners shall report before the respondent police twice a day at 10.30 a.m. and 05.30 p.m., for a period of 30 days and thereafter as and when required for interrogation;

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



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[d] the petitioners 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 petitioners 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 learned Judicial Magistrate-II, Salem.
2. Central Prison, Salem.
3. Special Prison for Women, Central Prison, Salem
4. The Inspector of Police, Pallapatty Police Station, Salem District.
5. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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