



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13406 of 2026

1. Dhineshkumar,
S/o.Shanmugarajan,
C.208, Kg Apartment, Veerakeralam,
Coimbatore 641 007.

2. Selvaprakash,
S/o.Kittusamy,
Thottathusalai, Sangarayapuram puthur,
10 Muthur (Po), Kinathukadavu,
Coimbatore 642 109.

Petitioners / Accused

Vs

1. The state rep by,
The Inspector of Police,
Nallur police station,
Coimbatore.
Crime No. 171/2026

Respondent / Complainant

PRAYER:- Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioners on
bail in connection with the Crime No.171 of 2026 on the file of the respondent
police.

For Petitioners: Mr.D.Padmanabhan

For Respondent: Mr.V.J.Priyadarsana,
Government Advocate
(Criminal Side)



ORDER

This Criminal Original Petition has been filed by the petitioners on 19.05.2026 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioners / accused were arrested and remanded to judicial custody on 28.04.2026 for the alleged offences punishable under Sections 305(a), 317(2), 331(3), 331(4) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 in Crime No.171 of 2026 on the file of the respondent police.

3. The case of the prosecution is that on 07.04.2026, the petitioners allegedly trespassed into the house of one Palaniswami who is the father in law of the de facto complainant and committed theft of 25 sovereigns of gold and silver jewels and cash of Rs.4,00,000/-. Hence this case.

4. The learned counsel for the petitioners, submits that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 28.04.2026. He further submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioners.



5. *Per contra*, Mr.V.J.Priyadarsana, learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the petitioners/accused trespassed into the house of one Palaniswami who is the father in law of the de facto complainant and committed theft of 25 sovereigns of gold and silver jewels and cash of Rs.20,00,000/-. The first petitioner has one previous case similar in nature and the second petitioner has no previous case. The learned Government Advocate (Criminal Side) contends that if the petitioners are released on bail, there is a chance to once again commit the same offence. Accordingly, he prays for the dismissal of this petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioners were arrested on 28.04.2026 and they are in incarceration since 28.04.2026. However as the first petitioner has one previous case similar in nature, this Court is not inclined to grant bail to him. **Accordingly, this Criminal Original Petition stands dismissed insofar as the first petitioner is concerned.**

8. Considering the facts and circumstances of the case and also taking into account the fact that the second petitioner has no previous case, this Court is inclined to grant bail to the second petitioner alone, however, subject to



certain conditions. Accordingly, bail is granted to the second petitioner subject to the following conditions:

(i) The second petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the Judicial Magistrate, Tiruppur.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The Judicial Magistrate, Tiruppur, shall obtain a copy of any one of their identity proofs to ensure their identity.

(iii) The second petitioner shall sign before the respondent Police daily at 10.00 a.m, until further orders.

(iv) The second petitioner shall furnish his residence address and mobile number to the Judicial Magistrate, Tiruppur.

(v) The second petitioner shall not, directly or indirectly, cause any threat to the *defacto* complainant and witnesses and shall not tamper the evidence.

(vi) On breach of any of the aforementioned conditions, the Judicial Magistrate, Tiruppur is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].



9. Accordingly, this Criminal Original Petition is allowed insofar as the second petitioner is concerned subject to the conditions stated *supra*.

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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 Judicial Magistrate, Tiruppur.
2. The Superintendent of Prison,
District Prison, Tiruppur.
3. The Inspector of Police
Nallur police station,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL J.

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