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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 33718 of 2026

CNR: {HCMA012760332026}

Omkara Venkata Subbaiya
S/o.Omkara Srinivasalu,
No.2-32, Sanjivuraju Palli Udhayagiri Mandalam,
Ganguluvari Seruvapalli,
Nellore Taluk,
Andhra Pradesh District.

Case QR

..Petitioner(s)

Vs

State rep by The Sub Inspector of Police
Katpadi Railway Police Station,
Vellore District.
Crime No.70 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Crime No.70 of 2026 on the file of the Sub Inspector of Police, Katpadi railway police station, Vellore District and thus render justice.

For Petitioner(s): Mr.V.Muthupandi

For Respondent(s): Mr.Durai Gunasekaran,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.09.2026 for the alleged offence under Sections 303(2) of BNS, 2023 in Crime No. 70 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner allegedly committed theft of the defacto complainant's mobile phone and misused his ATM card and banking details, thereby causing a loss of Rs.82,000/-. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case, and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court, and hence, prayed for the grant of bail.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the petitioner committed defacto complainant's mobile phone, Aadhaar card and ATM card, causing a total loss of Rs.82,000/-. He further submitted that the ATM card only recovered and no amount was recovered. Hence, he opposed to grant bail to the petitioner.

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

6. It is a case of theft of a mobile phone and misuse of an ATM card during the train travel. According to the prosecution, when the Train travelling

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from Tiruchirappalli to Tirupathi reached Katpadi Railway Station, the defacto complainant found that his mobile phone, Aadhaar card and ATM card were missing from his berth. Money was then withdrawn and transferred from the bank account totalling Rs.82,000/-. The petitioner was arrested on 26.09.2026 and has been in judicial custody since then. Considering the facts and circumstances of the case, the nature of the allegations and the period of incarceration already undergone by the petitioner, 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 to the satisfaction of the **learned Judicial Magistrate No.IV, Vellore,** and on further conditions that:

[a] the sureties shall affix their photographs and Left

> [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 twice daily at 10.30 a.m., and 5.30 p.m., for a period of 30 days and thereafter as and when required for interrogation;**
>
> [c] the petitioner shall not abscond either during

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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.

18-11-2026

DRL

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.

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To

1.The Judicial Magistrate No.IV, Vellore.

2. The Sub Inspector of Police
Katpadi Railway police station,
Vellore District.

3.The Superintendent, Central Prison,
Vellore.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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