



CRL OP(MD). No.5243 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD)No.5243 of 2026

1.R.Sowmiya
2.P.Pappu
3.B.Kumar
4.K.Jothi
5.Manchula
6.M.Kathiresan
7.Ranjani

... Petitioners / A1 to A7

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(Crime No.40 of 2026)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 482 of the BNSS, 2023, to enlarge the petitioners on bail in the event of arrest in Crime No.40 of 2026 on the file of the respondent police or on their appearance.

For Petitioners : Mr.S.Asaithambi



CRL OP(MD). No.5243 of 2026

For Respondent : Mr.P.Kottai Chamy,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police in Crime No.40 of 2026 for the offences punishable under Sections 191(2), 191(3), 330(1), 324(4), 296(b), 351(3) and 303(2) of the Bharatiya Nyaya Sanhita, 2023, seek anticipatory bail.

2. The case of the prosecution is that A1 is the wife of the defacto complainant. A1, along with A2, came armed with a *kadapparai* and *aruval*, broke open the lock of the house, and damaged the fence. When the defacto complainant entered the house, he found that jewels weighing approximately 3½ sovereigns and a sum of Rs.1,00,000/- had been stolen by the accused persons. Hence, the above case was registered for the aforesaid offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution. He further submitted that the first



CRL OP(MD). No.5243 of 2026

petitioner had obtained a protection order from the jurisdictional Court in D.V.C. No.25 of 2023, and that the present complaint has been lodged in order to circumvent the said order. Hence, he prayed for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are totally 7 accused persons in this case and that the petitioners have been arrayed as A1 to A7. He further submitted that the petitioners have committed theft of gold jewels and money and that custodial interrogation of the petitioners is necessary for the investigating agency to unearth the truth. Accordingly, he objected to the grant of anticipatory bail to the petitioners.

5. This Court heard the learned counsel on either side and perused the materials placed on record.

6. Considering the facts and circumstances of the case, and also considering the plea of the 1st petitioner regarding the protection order



CRL OP(MD). No.5243 of 2026

passed in D.V.C. No.25 of 2023 on 09.04.2025, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order made ready, before the learned Judicial Magistrate Court, Ilayangudi, on condition that the petitioners shall execute a bond for a sum of Rs. 10,000/-(Rupees Ten Thousand only) each with two common sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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CRL OP(MD). No.5243 of 2026

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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) AIR SCW 5560]***; and

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

12.03.2026

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To

- 1.The Judicial Magistrate Court,
Ilayangudi.
- 2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CRL OP(MD). No.5243 of 2026

K.K.RAMAKRISHNAN,J.

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ORDER
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