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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2026

CORAM

THE HON'BLE DR.JUSTICE P.MURUGAN

CRL OP(MD) No. 24268 of 2026

CNR:{HCMD011531762026}

Amalan Joebai
S/o.Joebai,
301,
Ganesan 3rd Street,
Chidambarnagar Post,
Thoothukudi District.

..Petitioner(s)

Vs

State Of Tamilnadu Rep By Inspector Of Police,
Thoothukudi Central
Police Station,
Thoothukudi District,
Crime No.241/2026.

..Respondent(s)

PRAYER: it is most respectfully prayed that this Hon'ble Court may be pleased to enlarge the Petitioner on bail in Crime No. 241 of 2026 on the file of the Respondent Police Station and thus render justice.

For Petitioner(s): M/s A.Mohamed Arif
M/s Mohammed Rashid A
M/s Nowfil Jafeer H

For Respondent(s): Mr.A.Robinson
Additional Public Prosecutor

ORDER : The Court made the following order :-

The petitioner / second accused, who was arrested and remanded to judicial custody on 24.08.2026 for the offences

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punishable under Sections 316(2), 318(2), 109(i) of BNS, in Crime No.241 of 2026, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is working as a household servant under the *defacto* complainant for the past seven years. On 06/08/2026 at about 17.00 hours, the petitioner was sent to purchase Bajji. After returning to home, he secretly went to the master bedroom of the house and opened an iron locker to steal jewelery. When the *defacto* complainant asked the same, he dropped an earring and pushed her on the bed and forcefully clamped his hands over her mouth and nose to obstruct her breathing and fled the scene. Thereby, the petitioner had committed theft of 36.5 sovereign of gold jewels from the *defacto* complainant's home. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in the above case and that he is no way connected with the alleged crime. He would further submit that the complaint has been lodged belatedly. He is in judicial custody for the past 60 days. Hence, prays to grant bail.

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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner had committed theft of 36.5 sovereign of gold jewels from the house of the *defacto* complainant. Hence, prays to dismiss the petition.

5. It is seen that the petitioner is working as a household servant under the *defacto* complainant for the past seven years. On the fateful day of 06.08.2026, the *defacto* complainant directed the petitioner to go and buy some Bajji to eat as evening snacks. Then the *defacto* complainant was in the balcony and without her knowledge, the accused entered in the house and kept the baji at the kitchen and went to their master bedroom. When the *defacto* complainant returned to the master bedroom, she found that the petitioner was searching certain things in bureau. After seeing her, the accused tried to kill the *defacto* complainant and pushed her on the bed, closed her mouth. Ultimately, the *defacto* complainant tried to escape from the accused and after the accused ran away from the scene of occurrence, she saw a stud on the floor. However, the *defacto* complainant failed to verify the Bureau on the same day ie., 06/08/2026 and she kept quiet. Even after her son returned home from work, she did not disclose the same to her son.

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6. In view of the above facts, it is seen that there is no good terms between the *defacto* complainant and her husband. Further, there is a delay of two days in filing the FIR, which was registered under Sections 316(2), 318(2) of BNS. During the investigation, Section 109(1) of BNS was added, which is an attempt to commit murder.

7. It is seen that the petitioner was arrested and remanded into judicial custody from 24.08.2026. After a lapse of 60 days, the respondent police did not come up with a final report. Further, it is alleged that 36.5 sovereigns of gold jewels were taken away by the petitioner and the same was replaced by him by placing duplicate jewels. However, the investigation officer have not recovered either the duplicate jewels from the house of the *defacto* complainant or original jewels from the petitioner.

8. Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 24.08.2026 and that the petitioner is not having any previous cases for similar offence, this Court is inclined to grant bail to the petitioner.

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9. 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 each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Thoothukudi**.

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] On execution of the surety, the accused is directed to appear before the Judicial Magistrate for a period of 30 working days at 10.30 am. Thereafter, the accused shall appear before the said Court on every Wednesday at 10.30 am for a period of 10 weeks;

[c] In the event that the accused is unable to appear before the said Court, the counsel for the accused may file accused absence petition on behalf of the accused under Section 355 of BNSS and the same may be considered by the Court;

[d] In the event that neither the accused appear nor his counsel file any such accused absent petition, the Court has to issue a Non Bailable Warrant against the accused and secure him and

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commit him to custody**;**

[e] If the accused thereafter absconds, a fresh FIR shall be registered under Section 269 BNS, 2023;

[f] If the investigating agency requires the presence of the accused, after the execution of the bail bond, the Investigating Officer has to issue a summons to the accused for interrogation. However, the interrogation should not amount to harassment of the accused. The issuance of the summons to the accused and the interrogation of the accused should be reflected in the CD file as well as in the General Diary. The said exercise shall be done by the Investigating Officer at once or twice during the daytime. Once the purpose of the interrogation is over, the accused shall be sent out from the police station without any further delay;

[g] On compliance of the above conditions for appearance of the accused all the conditions referred above shall stand relaxed;

[h] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

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

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[j] On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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].**

(P M N J)
23.10.2026

PNM/KU

TO

1. The Judicial Magistrate No.II, Thoothukudi

2. The Superintendent, District Prison, Peravurani, Thoothukudi.

3. The Inspector of Police, Thoothukudi Central Police Station, Thoothukudi District,

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR.P.MURUGAN, J.
PNM

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