

**IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
PRINCIPAL DISTRICT & SESSIONS JUDGE, COIMBATORE**

Tuesday, this the 10th day of March, 2026

CRIMINAL MISCELLANEOUS PETITION Nos.858/2026 and 859/2026

Mahakrishnan Murugan (Age 25 years)
S/o. Murugan.

... Petitioner in C.M.P.858/2026 / A-2

Jancy (Age 31 years)
W/o. Mahakrishnan.

... Petitioner in C.M.P.No.859/2026 / A-1

/vs/

State, Rep. by
through the Inspector of Police,
Singanallur Police Station,
Crime No.701/2025.

Offences:u/s. 305(a) of BNS.

Through the Public Prosecutor, Coimbatore.
(The Judicial Magistrate Court No.3, Coimbatore.)

... Respondent

These two petitions filed on behalf of the petitioner in the respective petitions to release them on bail u/s.483 of BNSS.

These two petitions are coming on this day for final hearing before this Court in the presence of **Tvl. Siji Sivadas and R. Ravishankar**, Advocates for the Petitioner in the respective petitions / Accused and **Thiru. V. Ravichandran, Public Prosecutor**, represented for State, upon perusing the petition submitted and upon hearing both side arguments, this Court pronounced the following:-

COMMON ORDER

Heard both side.

The petitioner in the respective petitions are the accused in Crime No.701/2025 of Singanallur Police Station, for the alleged offence u/s.305(a) of BNS, they have filed these two petitions separately, seeking grant of bail.

2. Previous bail petitions filed by the petitioner in the respective petitions were dismissed by this Court and this is the second bail petition.

3. The case of the prosecution is that there are four accused in this case. A-1 and A-2 are wife and husband. A-3 is the owner of a jewellery shop. A-4 is the daughter of A-1 and A-2. A-1 is doing ironing business. A-2 and the defacto complainant are known persons. On 18-12-2025, the defacto complainant mistakenly kept the house key in the dress and handed over the said dresses to A-2 for the purpose of ironing. A-1 and A-2 took the key and did not return the same to the defacto complainant and they planned to commit theft in the defacto complainant's house. The defacto complainant used the spare key. While so, 23-12-2025, at about 7.45 a.m., the defacto complainant and his wife went to trip for a period of one week. On knowing this, A-1, A-2 and A-4 illegally opened the defacto complainant's house and committed theft of 35 sovereigns of gold jewels and cash of Rs.1,00,000/- from the defacto complainant's house and escaped from the place. Further A-1 sold 15 sovereigns of gold ornaments to A-3. Hence, the present case.

4. The learned counsel for the petitioner in the respective petitions submitted that the petitioner in C.M.P.No.858/2026 is the husband of the petitioner in C.M.P.No.859/2026. The petitioner in the respective petitions are having two daughters and no one is available to look after said daughters and since both the petitioner in the respective petitions are in custody, the two children suffered lot without the care and love of the parents. The petitioner in the respective petitions are innocent and they have been falsely implicated in this case and they never indulged in any such activities as alleged and they are in judicial custody for the past 64 days and prayed to enlarge the petitioner in the respective petitions.

5. The learned Public Prosecutor submitted that the defacto complainant is residing in an apartment. There are four accused in this case. **The petitioner in C.M.P.No.858/2026 is arrayed as A-2. The petitioner in C.M.P.No.859/2026 is arrayed as A-1.** A-1 and A-2 are arrested and remanded. A-3 and A-4 are still absconding. A-1 and A-2 are wife and husband. A-3 is the owner of a jewellery shop. A-4 is the daughter of A-1 and A-2. A-1 is doing ironing business. A-2 and the defacto complainant are known persons. On 18-12-2025, the defacto complainant mistakenly kept the house key in the dress and handed over the said dresses to A-2 for the purpose of ironing. A-1 and A-2 took the key and did not return the same to the defacto complainant and they planned to commit theft in the defacto complainant's house. The defacto complainant used the spare key. While so, 23-12-2025, at about 7.45 a.m., the defacto complainant and his wife went to a trip for a period of one week. On knowing this, A-1, A-2 and A-4 illegally opened the defacto complainant's house and committed theft of 35 sovereigns of gold

jewels and cash of Rs.1,00,000/- from the defacto complainant's house and escaped from the place. Further A-1 sold 15 sovereigns of gold ornaments to A-3. After arrest, the respondent police seized 18 sovereigns of gold and cash of Rs.13,500/- and remaining gold and cash are yet to be recovered. No previous case is reported against the petitioner in the respective petitions. Investigation is still pending and opposed to grant bail to the petitioner in the respective petitions.

6. After considering the submissions, considering the nature of offence, though the petitioner in C.M.P.No.858/2026 is in judicial custody for the past 64 days, considering the manner in which offence has been committed, as portion of properties are yet to be recovered, investigation is still pending and two other accused are still absconding, **this Court is not inclined to grant bail to the petitioner in C.M.P.No.858/2026.**

7. As far as the petitioner in C.M.P.No.859/2026 is concerned, considering the period of custody undergone by her, it is represented that she is having two children and both are suffered without the love and care of the parents, as no previous case is reported against the petitioner in C.M.P.No.859/2026, **this Court is inclined to grant bail to the petitioner in C.M.P.No.859/2026 subject to the following conditions:-**

(i) The petitioner in C.M.P.No.859/2026 is ordered to be enlarged on bail on her executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.3, Coimbatore.

(ii) 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.

(iii) The petitioner in C.M.P.No.859/2026 is directed to sign before the respondent police, daily at 10.00 a.m. for a period of 15 days.

(iv) The petitioner in C.M.P.No.859/2026 shall not abscond either during investigation or trial.

(v) The petitioner in C.M.P.No.859/2026 shall not tamper with evidence or witness either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in C.M.P.No.859/2026 in accordance with law as if the conditions have been imposed and the petitioner in C.M.P.No.859/2026 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]**.

(vii) If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

C.M.P.No.858/2026 is dismissed.

C.M.P.No.859/2026 is allowed.

This common order is dictated to steno-typist, typed by her, corrected and pronounced by me on this 10th day of March, 2026.

PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.

CC to :

1. The Judicial Magistrate Court No.3, Coimbatore.
2. The Superintendent, Central Prison, Coimbatore.
3. The Public Prosecutor, Coimbatore.
4. The Inspector of Police, Singanallur Police Station,
5. Counsel for the Petitioner in the respective petitions / Accused.