

TNMD010018202026



In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. S. SIVAKADATCHAM, B.Sc., M.L.,

Principal Sessions Judge, Madurai.

Thursday, this the 12<sup>th</sup> day of March, 2026.

CrI.M.P.No.1104/2026

CNR No.TNMD010018202026

Kalkiraj, S/o.Nambiyappan

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Koodal Pudur P.S. in Cr.No.97/2026

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.A.Sarankumar, Advocate for the petitioner and of Public Prosecutor for the State, this court passed the following:

**Order**

1. Bail application u/s 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Heard both sides.

3. The learned counsel for the petitioner/accused would submit that the respondent police has registered a case against unknown accused in Crime No.97/2026 for the offence u/s 309(4) @ 309(4), 317(2) and 3(5) of BNS and subsequently arrayed the petitioner as A3 in this case. The petitioner was arrested by the respondent police and remanded to judicial custody on 02.03.2026 and is in custody for the past 11 days. The petitioner is innocent and he has not committed any offences as alleged. The petitioner is running jewelry shop for the past 20 years. The petitioner has received the gold chains from A4 and the petitioner was not aware of the fact that it was a stolen one. Case properties were recovered. The petitioner has not filed similar petition before the Hon'ble Madurai Bench of Madras High Court or any other court. The petitioner is ready to abide by any conditions that would be imposed by this court and prayed to allow the petition.

4. The learned Public Prosecutor submitted that initially FIR was registered against unknown accused. As per the case of the prosecution, on 27.02.2026 at 04.45 a.m., when the defacto-complainant was cleaning the house, one person suddenly came to the first floor of the house and snatched her gold chains and fled the scene of occurrence. In this incident, one chain weighing 2 sovereigns and one part in another chain weighing 6 sovereigns have gone into the hands of that person. Hence, the complaint. Investigation revealed that A1 has committed the offence and he handed over the articles to A2, who in turn gave the same to A4 and asked him to sell the same. A4 has handed over the gold chains to the petitioner/A3, who is running jewelry shop, he was arrested and properties were recovered from the petitioner. Investigation is pending and objected to grant bail to the petitioner.

5. Rival contentions are taken into consideration. The alleged offences against the petitioner/accused are u/s 309(4) @ 309(4), 317(2) and 3(5) of BNS. The occurrence is said to have taken place on 27.02.2026. Case properties were recovered from the petitioner/A3. The learned Public Prosecutor contended that A1 has snatched the gold chain from the defacto-complainant, handed over the same to A2, who in turn gave the same to A4 and asked him to sell the same and that A4 has handed over the gold chains to the petitioner/A3, who is running jewelry shop, he was arrested and properties were recovered from the petitioner/A3. The learned counsel for the petitioner/A3 submitted that the petitioner is running jewelry shop for the past 20 years, that the petitioner has received the gold chains from A4 and he was not aware that it was a stolen one and that case properties were recovered. The offence u/s 317(2) of BNS would attract the petitioner. The petitioner is in custody for 11 days. Case properties were recovered. Considering all these aspects, the period of incarceration of petitioner, the recovery of case properties, the limited overt act attributed against the petitioner and the facts and circumstances of the case, this court is inclined to grant bail to the petitioner on conditions.

In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate No.IV, Madurai subject to the following conditions:-

(i) After release, the petitioner shall appear and sign before the Inspector of police, respondent police station **daily at 10.00 a.m. for a period of 15 days.**

(ii) The petitioner shall co-operate with the investigation and shall not threaten the witnesses and shall not cause hindrance to the pending investigation.

(iii) That the petitioner shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected and

(iv) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560.**

Pronounced by me in the Open Court on the 12<sup>th</sup> day of March, 2026.

Principal Sessions Judge,  
Madurai

**Copy to**

1. The J.M.No.4. Madurai.
2. The Inspector of Police, Koodal Pudur P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.