



In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. S. SIVAKADATCHAM, B.Sc., M.L.,
Principal Sessions Judge, Madurai.

Wednesday, this the 18th day of March, 2026.

CrI.M.P.No.1151/2026

CNR No.TNMD010019042026

Vijay, S/o.Marimuthu

... Petitioner/Accused.

Vs

State through the Inspector of Police,
Theppakulam P.S. in Cr.No.64/2026

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.S.Manikandan, 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 in Crime No.64/2026 for the offences u/s 331(4) and 305 of BNS against unknown person and subsequently arrayed the petitioner as accused in this case. The respondent police arrested the petitioner and remanded to judicial custody on 04.03.2026 and is in custody for the past 15 days. The petitioner is innocent and he has not committed any offences as alleged. The petitioner's name is not mentioned in the FIR. A3 has some previous cases. Since the petitioner was standing along with A3 at the time of arrest of A3, the respondent police falsely implicated the petitioner as A1 in this case. 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 has submitted that initially the case was registered against unknown accused. As per the case of the prosecution, on 27.02.2026 at 09.00 a.m. the defacto-complainant locked her house and left. At about 06.00 p.m., she returned home and noticed that somebody has committed house breaking and stolen ½ sovereign gold stud, silver ring, brass vessels and cash Rs.1,000/- from the house. Hence the complaint. Investigation revealed that A1 to A3 have committed the offences and the petitioner is A1. The brass vessels were recovered from the person, to whom, the accused have sold. The remaining articles are not yet recovered. 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 331(4) and 305 of BNS. The occurrence is said to have taken place on 27.02.2026. As per prosecution, A1 to A3 have committed house breaking and stolen ½ sovereign gold stud, silver ring, brass vessels and cash Rs.1,000/- from the defacto-complainant's house. The learned Public Prosecutor strongly objected stating that only the brass vessels were recovered from the buyer, to whom the accused have sold and that the remaining articles are not yet recovered. The petitioner is in custody only for 15 days. Material part of investigation has not been completed. Considering the above facts, the non-recovery of entire stolen articles and the strong objections placed on the side of prosecution, this court is not inclined to grant bail to the petitioner at this stage and accordingly, the petition is liable to be dismissed.

In the result, the petition is dismissed.

Pronounced by me in the Open Court on the 18th day of March, 2026.

Principal Sessions Judge,
Madurai

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