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CrI.O.P.No.19263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.19263 of 2024

Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.417 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail connected with Crime No.417 of
2024 pending investigation, on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 20.07.2024, for the alleged offences punishable under Sections 306,
317(2) of BNS, 2023, in Crime No.417 of 2024, on the file of the respondent



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police, seeks bail.

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2. The case of the prosecution is that the defacto complainant is running Palkova company in Kaveripattinam, Krishnagiri District. This petitioner has been working as an employee in the said company for the past 8 years. On 19.07.2024, the petitioner along with other accused, allegedly stolen 500 kgs of milk powder from the defacto complainant's company and transported it through the company's vehicle bearing Reg.No.TN 24 AL 3619. Based on checking the CCTV footage of the defacto complainant's company, this petitioner was arrested. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged in the FIR. He further submit that the petitioner is working in the defacto complainant's company and only on the basis of suspicion, the petitioner has been falsely implicated in this case. He was arrested and is in judicial custody for more than 30 days and is ready to abide by any



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conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the petitioner along with other accused had stolen 500 kilograms of milk powder from the defacto complainant's company worth about Rs.1,40,000/-. He further submitted that the amount has not yet been recovered and all the accused have been arrested. He further submit that the petitioner has no previous case pending against him. However, he vehemently, opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. Considering the submissions of the learned counsel on either side, period of incarceration undergone by the petitioner, and the petitioner has no previous cases pending against him, all the accused have been arrested and also considering the fact that the investigation was almost completed and



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also considering all other factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.1, Krishnagiri, and on further conditions that:-

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m, until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Judicial 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 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



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Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

21.08.2024

drl

To

- 1.The Judicial Magistrate No.1,
Krishnagiri.
- 2.The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
- 3.The Superintendent,
Sub Jail, Krishnagiri.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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