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Crl.O.P.No.20422 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

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

Crl.O.P.No.20422 of 2024

D.Kaliyaperumal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Teynampet Police Station,
Chennai.
(Crime No. 233 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 233 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.V.Pratheepkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 08.07.2024, for the alleged offences punishable under Section 381 of IPC,
in Crime No.233 of 2024, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused had committed the offence of theft of 2946.527 grams of gold worth Rs.2.15 crore from the defacto complainant's factory premises. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that the petitioner was worked in the defacto complainant's shop only as an employee and he is no way connected with the alleged offence. He would further submit that the petitioner was arrested and is in judicial custody for more than 50 days and is ready to abide by any 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 submitted that the petitioner along with other accused, worked under the defacto complainant's jewellery shop. On the date of the alleged occurrence, the petitioner during the process of cutting the diamond,



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collected the gold duster everyday, totalling 2946.527 grams of gold worth about Rs.2.15 crores. and the same was taken away by this petitioner. He further submitted that some of the jewels were handed over to the trial Court. He further submitted that the petitioner has no previous cases, pending against him. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, and considering the part of the property was recovered and the petitioner was also taken into the police custody, and considering the period of incarceration undergone by the petitioner, and also considering the fact that the petitioner has no previous cases against him and the material part of the investigation is also over and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 XVIII Metropolitan Magistrate Court, Saidapet, Chennai, 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 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.

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drl

To

- 1.The XVIII Metropolitan Magistrate Court,
Saidapet, Chennai.
- 2.The Inspector of Police,
Teynampet Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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