



WEB COPY



CRL O.P. No.20335 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20335 of 2024

1.Abinash

2.Moovendiran

... Petitioners / Accused 1 & 2

Vs

State rep. by:-

The Inspector of Police,
Kurinjipadi Police Station,
Kurinjipadi.

... Respondent

[Cr. No.217 of 2024]

For Petitioners : Mr.A.Jotheeswaran

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioners on bail in Crime No. 217 of 2024 on the respondent police.



WEB COPY



CRL O.P. No.20335 of 2024

ORDER

The Petitioners, who were arrested and remanded to judicial custody on 18.07.2024 for the offences punishable under Section 303(2) of BNSS @ 136 of Indian Electricity Act, in Crime No.217 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioners have committed the theft of Copper coil worth about Rs.1,00,000/- belonging to TNEB. Hence, the case.

3.The learned counsel for the Petitioners would submit that the Petitioners are innocent and they have been falsely implicated in this case. He would further submit that the property has been recovered and there are no previous cases pending against the petitioners. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners were found in theft of Copper coil



worth about Rs.1,00,000/- belonging to TNEB. He would further submit that the property was recovered and there are no previous cases pending against the petitioners. However, he opposed to grant bail to the petitioners.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the fact that the property has been recovered and that there are no previous cases pending against the petitioners and also the number of days of incarceration undergone by the petitioners, this Court is inclined to grant bail to the Petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Kurinjipadi**, and on further conditions that:

[b] the Petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.



CRL O.P. No.20335 of 2024

WEB COPY

[c] the Petitioners shall not commit any offences of similar nature.

[d] the Petitioners shall not abscond either during investigation or trial.

[e] the Petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

22.08.2024

ata



WEB COPY



CRL O.P. No.20335 of 2024

To

- 1.The District Munsif cum Judicial Magistrate, Kurinjipadi.
- 2.The Inspector of Police,
Kurinjipadi Police Station,
Kurinjipadi.
- 3.Central Prison, Cuddalore District.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.20335 of 2024

P.DHANABAL,J

ata

CRL.OP.No.20335 of 2024

22.08.2024