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CRL O.P. No.21501 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.09.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.21501 of 2024

1.Dinesh S/o. Thulasi

2.Murasolimaran S/o. Ilayaperumal

... Petitioners

Vs

The State rep. by:-

The Inspector of Police,
J-5, Shastri Nagar Police Station,
Chennai.
[Cr. No.146 of 2024]

... Respondent

For Petitioners : Mr. P.Thinesh
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

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

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.146 of 2024 on the file of the respondent police.



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ORDER

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The petitioners/accused, who were arrested and remanded to judicial custody on 11.08.2024 for the offence punishable under Section 305(a) of B.N.S., in Crime No.146 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were arrested and remanded to judicial custody on 11.08.2024, as they had stolen the bag of the defacto complainant while he was sleeping. Hence, the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that there is no previous case as against the petitioners and in this case, the FIR was subsequently altered to Section 303(2) of B.N.S. and they are no way connected with the said occurrence. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was arrested and remanded to judicial custody on



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11.08.2024, for bag theft. The said property was recovered from them.

He would further submit that they are four previous cases as against the petitioners. Hence he opposed to grant bail to the petitioners.

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

6. Considering the representation made on either side and considering the fact that there is no previous case against the petitioner and taking into consideration the property was recovered and though there are some previous cases, they were released on bail and also considering the period of incarceration undergone by the petitioners, I am 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction



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of the learned **IX Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[b] the petitioners shall report before the respondent police on every day for a period of 30 days.

[c] the petitioners shall attend in accordance with the conditions of the bond.

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

[e] the petitioners shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected.

[f] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[g] 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



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
ssa

To

- 1.The IX Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Inspector of Police,
J-5, Shastri Nagar Police Station,
Chennai.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Government Advocate (Crl.Side), High Court, Madras.

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P.DHANABAL,J,

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