



WEB COPY



CrI.O.P.No.21908 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

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

CrI.O.P.No.21908 of 2024

Karna Alias Karnan

... Petitioner

Vs.

The State represented by
Inspector of Police,
R-9 Valasaravakkam Police Station,
(Crime No. 400 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., to
enlarge the petitioner on bail in CC.No.327 of 2024 on the file of the Judicial
Magistrate Court No.1 at Poonamalle.

For Petitioner : Mr.T.I. Ramanathan

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

ORDER

The petitioner seeks bail in CC.No.327 of 2024 on the file of the
Judicial Magistrate Court No.1 at Poonamalle for the alleged offences u/s 380
of I.P.C in Crime No.400 of 2024, on the file of the respondent police. The



Crl.O.P.No.21908 of 2024

petitioner was arrested and remanded to judicial custody on 20.05.2024.

2. The case of the prosecution as per the defacto complainant who is a building contractor is that some of the cell phone of the workers who were working under him were missing. Hence, the respondent police has registered a case against the petitioner.

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 has not committed any offence as alleged in the FIR. He would further submit that the petitioner is in judicial custody for more than 75 days and he 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 the petitioner has stolen the cell phone which belongs to the workers of the defacto complainant. He further submitted that the property was recovered. He further submitted that the petitioner has twenty previous case, similar in nature, pending against him. Hence, he strongly opposed to grant bail to the petitioner.



Crl.O.P.No.21908 of 2024

WEB COPY

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

6. Considering the submission of the learned counsel on either side, considering the period of incarceration undergone by the petitioner and also taking note of the fact that the stolen property was recovered and the petitioner has some previous cases, in which, he has been released on bail, and also considering all others 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 learned Judicial Magistrate Court No-1 at Poonamallee and on further conditions that:-

[a] the petitioner shall report before the Siva Kanchi Police station, Kanchipuram everyday at 10.30 a.m., until further orders.

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



Crl.O.P.No.21908 of 2024

WEB COPY

[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].

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

06.09.2024

smn



Crl.O.P.No.21908 of 2024

WEB COPY

To

1.The Judicial Magistrate Court No-1 at Poonamallee

2. The Inspector of Police,
R-9 Valasaravakkam Police Station,
(Crime No. 400 of 2024).

3.The Central Prison at Puzhal

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21908 of 2024

P.DHANABAL, J.

smn

Crl.O.P.No.21908 of 2024

06.09.2024