



WEB COPY



Crl.O.P.No.21759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

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

Crl.O.P.No.21759 of 2024

Rajesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.
(Crime No. 737 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. 737 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Senthilkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 22.06.2024, for the alleged offence punishable under Sections 454, 380



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and 411 of IPC, in Crime No.737 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.06.2024, at about 9.30 a.m, the defacto complainant went out of the house, and when she returned at 4.30 p.m, she found her house door was opened and 42 sovereigns of gold were found theft. 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 has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 40 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 on the date of the alleged occurrence, the petitioner had stolen 42 sovereigns of gold jewels from the defacto complainant's house. He further submitted that 33 sovereigns of gold was



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recovered from the petitioner. He further submitted that the petitioner has 11 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, the nature of offence, and also considering the period of incarceration undergone by the petitioner, and taking note of the fact that the part of the property was recovered, and also considering that though the petitioner has 11 previous cases, in some of the cases, he has been acquitted and in all other cases, 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 Judicial



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Magistrate No.II, Poonamallee and on further conditions that:-

[a] the petitioner shall report before the Tiruvallur Police Station, 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].

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

05.09.2024

drl



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To

- 1.The Judicial Magistrate No.II,
Poonamallee.
- 2.The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.
- 3.The Superintendent,
Central Prison No.II, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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