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CRL O.P. No.22113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22113 of 2024

Sathish

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Tiruttani Police Station,
Tiruttani District.

(Crime No.781 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the petitioner on bail in Crime No.781 of 2024, on the file of the respondent.

For Petitioner : Mr.U.Ganesh Kumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 18.07.2024 for the offences punishable under Section 305 of BNS, 2023, in Crime No.781 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 16.07.2024, when the defacto complainant, who is the Poojari at Mahisashura Mardhini Temple, was doing Poojai, he found that 17 grams of gold jewels were missing and on enquiry, it was found that the petitioner has committed the theft of gold jewels for a tune of 17 grams of gold from the idol of deity situated at Mahisashura Mardhini Temple, Tiruttani, Thiruvallur District. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence. He would further submit that the petitioner has been in judicial custody for more than 56 days. He would also submit that the property was recovered and there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any stringent



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condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent would submit that the petitioner was found in committing the theft of gold jewels for a tune of 17 grams of gold from the idol of deity situated at Mahisashura Mardhini Temple, Tiruttani, Thiruvallur District. She would further submit that the property has been recovered and there is no previous case against the petitioner. However, she vehemently opposed to grant bail to the petitioner.

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

6. Considering the nature of offences charged against the petitioner and also the property was recovered and that the petitioner has no previous cases pending against him and also considering the period of incarceration undergone by the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[a] Accordingly, the petitioner is 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 of the **Judicial Magistrate, Tiruttani**, and on further conditions that;

[b] the petitioner shall report before the jurisdictional Judicial Magistrate on all working days at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner 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;

[e] the petitioner shall not abscond 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 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]; and

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

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To
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- 1.The Judicial Magistrate, Tiruttani.
- 2.The Inspector of Police,
Tiruttani Police Station,
Tiruttani District.
- 3.Sub Jail, Tiruttani.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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