



WEB COPY



Crl.O.P.No.22239 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22239 of 2024

R. Mohamed Saffi

...Petitioner

Vs.

The State rep by
The Inspector of Police
E1, Mylapore Police Station,
Mylapore, Chennai – 600 004

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.258 of 2024 on the file of respondent police.

For Petitioner : Mr.B.Sharmila

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



CrI.O.P.No.22239 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.08.2024 for the offences under Section 305 of BNS Act in Crime No.258 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused trespassed into the defacto complainant's house and stolen away 51 Soverigns of gold ornaments approximately. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 20.08.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



Crl.O.P.No.22239 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused trespassed into the defacto complainant's house and stolen away 51 Soverigns of gold ornaments approximately. He further submitted that some of the stolen property was recovered and there was no previous case pending against the petitioner. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6.Considering the representation made on both sides, nature of offence, there is no previous case pending against the petitioner and some of the stolen property was recovered also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 XVIII Metropolitan Magistrate Court, Saidapet, Chennai and on further



Crl.O.P.No.22239 of 2024

conditions that:

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m until further orders.

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;

[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



CrI.O.P.No.22239 of 2024

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.

10.09.2024

smn

To

1.The XVIII Metropolitan Magistrate Court, Saidapet, Chennai

2. The Inspector of Police
E1, Mylapore Police Station,
Mylapore, Chennai – 600 004

2.The Central Prison, Puzhal

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.22239 of 2024

P.DHANABAL, J.

smn

Crl.O.P.No.22239 of 2024

10.09.2024