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CrI.O.P.No.23455 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23455 of 2024

S.Nithya

...Petitioner/Accused

Vs.

The State rep by
Inspector of Police,
E-4 Abiramapuram Police Station
Mylapore, Chennai – 600 028
(Crime No.208 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 208 of 2024 on the file of the respondent police.

For Petitioner : Mr. S.I.Sharukumar

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



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ORDER

The petitioner, who was arrested on 20.08.2024 and remanded to judicial custody on the same day for the offence under Section 306 of BNS 2023, in Crime No.208 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the mother of the first accused had been working as a maid in the defacto complainant's house and the first accused used to involve in theft when the defacto complainant had left to Rasipuram and using his absence, the petitioner along with other accused had stolen away cash of Rs.17,200/- and gold and diamond jewellery. Hence, the case.

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 and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) objected for granting



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bail to the petitioner stating that during the absence of defacto complainant in house, the petitioner along with other accused had stolen away cash of Rs.17,200/- and gold and diamond jewellery and the parties of the properties were recovered and there is no previous case against the petitioner.

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

6. Considering the submissions made on both sides, the part of the properties were recovered and also the fact that the co-accused have already been released on bail also taking into consideration the period of incarceration undergone by the petitioner and also the petitioner has no previous case, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. 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 court of *XXIII Metropolitan Magistrate, Saidapet, Chennai*, and on further conditions that:



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

[d] The petitioner 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;

[e] The petitioner shall not abscond either during investigation or trial;

[f] 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 evidence;



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[g] on breach of any of the aforesaid conditions, the learned 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

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

24.09.2024

vsg

To

1. XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. Inspector of Police,
E-4 Abiramapuram Police Station
Mylapore, Chennai – 600 028.

3. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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