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Crl.O.P.No.23843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23843 of 2024

Bharathiraja

...Petitioner

Vs.

The State rep by
The Inspector of Police
Melchengam Police Station,
Thiruvannamalai District
(Cr.No.345 of 2023)

...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 C.C. No.264 of 2023 before the Judicial Magistrate Magistrate Court at Chengam and pass orders.

For Petitioner : Mr.V. Arunkumar

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



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CrI.O.P.No.23843 of 2024

ORDER

The petitioner seeks bail in C.C. No.264 of 2023 before the Judicial Magistrate Magistrate Court at Chengam in Crime No.345 of 2023 for the alleged offence under Sections 420 and 380 of I.P.C on the file of the respondent police. The petitioner is in judicial custody from 25.07.2024.

2. The case of the prosecution is that the petitioner stolen the jewels belonging to the defacto complainant worth about Rs.37,000/- Hence, the respondent police has registered a case against the petitioner.

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's name does not find place in F.I.R.** He would further submit that the petitioner is arrested and is in judicial custody from 25.07.2024. and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



Crl.O.P.No.23843 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner stolen the jewels belonging to the defacto complainant worth about Rs.37,000/-. He further submitted that there are two previous case pending against the petitioner and investigation has been completed and charge sheet also filed.

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

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 petitioner's name does not find place in F.I.R and though the petitioner has some previous cases, in all cases, bail was granted to the petitioner and investigation has been completed and charge sheet also filed, 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**



CrI.O.P.No.23843 of 2024

only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Chengam and on further conditions that:

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, 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;



CrI.O.P.No.23843 of 2024

[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.

26.09.2024

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To

- 1.The Judicial Magistrate, Chengam
- 2.The Superintendent, District Jail at Salem Central.
- 3.The Inspector of Police
Melchengam Police Station,
Thiruvannamalai District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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Crl.O.P.No.23843 of 2024

Crl.O.P.No.23843 of 2024

26.09.2024