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Crl.O.P.No.25990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

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

Crl.O.P.No.25990 of 2024

Musthafa

... Petitioner

Vs.

State represented by,
The Inspector of Police,
B-2 Esplanade Police Station,
Chennai.
(Crime No. 247 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.247 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.P.Thinesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 18.09.2024, for the alleged offence punishable under Section 306 of BNS, 2023 in Crime No.247 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first petitioner is the servant maid of the defacto complainant. On 16.09.2024 at about 6.30 p.m, the petitioner along with other accused had committed the theft of gold jewels weighing 222 grams from the defacto complainant's house. During investigation, it came to light that A1 along with other accused, had stolen jewels from the defacto complainant and sold them to A3. 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 submits that based on the confession of the arrested accused, this petitioner was arrayed as an accused. He would further submit that the petitioner was arrested and is in judicial custody for more than 35 days and is ready to abide



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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 there are totally four accused in this case and the petitioner herein is ranked as A2. He further submits that the first petitioner is the servant maid of the defacto complainant. On the date of the alleged occurrence, the petitioner along with other accused had committed the theft of gold jewels weighing 222 grams from the defacto complainant's house. He further submits that during investigation, it came to light that A1 along with A2 had committed theft of gold jewels from the defaco complainant's house and the same was sold to A3. He further submits that 35 grams of gold and Rs.6,50,000/- cash were recovered from the petitioner. He further submits that the petitioner has no previous case, pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.



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6. Considering the nature of offence, and already the prime accused was secured, and the part of the property was recovered, and the petitioner has no previous case, pending against him, and considering the incarceration undergone by the petitioner, based on the confession of the arrested accused, this petitioner was arrayed as an accused, 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 VII Metropolitan Magistrate, George Town, Chennai, and on further conditions that:-

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

[b] 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;

[c] the Petitioner shall not, directly or indirectly, make any



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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;

[d] the Petitioner shall not abscond 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]; and

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

21.10.2024

drl
To

- 1.The VII Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police,
B-2 Esplanade Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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