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Crl.O.P.No.26407 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

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

Crl.O.P.No.26407 of 2024

1.Sudha

2.Sangetha @ Santhi

3.Sathiya

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Valathy Police Station,
Villupuram District.
(Crime No. 376 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.376 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.D.Thirumoorthy

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

ORDER



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The Petitioner, who was arrested and remanded to judicial custody on 24.09.2024, for the alleged offences punishable under Section 305(a) of BNSS Act, 2023, in Crime No.376 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.09.2024, the petitioners had committed theft of one sovereign of gold from the jewellery shop. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submits that co-accused/A4 was also released on bail. He would further submit that the petitioners was arrested and are in judicial custody for more than 30 days and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the



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petitioners entered the defacto complainant's jewellery shop and committed theft of one sovereign of gold and ran away. He further submits that the property was recovered from the petitioner. He further submits that each of the petitioners are having one previous case, pending against them. Hence, he opposed to grant bail to the petitioners.

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

6. Considering the nature of offence, property was recovered, co-accused released on bail by this Court, considering the period of incarceration undergone by the petitioners from 24.09.2024, and though each the petitioners have one previous case, in which, they have been granted bail, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the learned



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Judicial Magistrate, Gingee, and on further conditions that:-

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

[b] the Petitioners 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 Petitioners 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;

[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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

24.10.2024



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drl

To

- 1.The Judicial Magistrate,
Gingee.
- 2.The Inspector of Police,
Valathy Police Station,
Villupuram District.
- 3.The Superintendent,
Women Central Jail, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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