



WEB COPY



Crl.O.P.No.26633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

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

Crl.O.P.No.26633 of 2024

Shankaran

... Petitioner

Vs.

State represented by,
The Inspector of Police,
B-5 Harbour Police Station,
Chennai.
(Crime No.18 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.18 of 2024 on the file
of the respondent Police.

For Petitioner : M/s.P.Prince Premkumar

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 27.09.2024, for the alleged offences punishable under Sections 305 & 306
of BNSS, in Crime No.18 of 2024, on the file of the respondent police, seeks



bail.

2. The case of the prosecution is that the defacto complainant is working as an Operation Manager at Chennai International Terminal Private Limited. On 07.09.2024 at about 3.57 p.m, one shipment landed at Chennai harbour from China, containing, 5230 numbers of Dell Note Book Computer spares worth about Rs.34,98,58,779.80. It is further alleged that when they started tracking of the container, they found that the petitioner along with other accused moved the container using the user ID and Password of an Assistant Manager and looted the container. 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 the co-accused were released on bail by this Court. He further submits that he is the driver in MTC bus and arranged only for the container. He further submit that the petitioner was arrested and is in judicial custody



Crl.O.P.No.26633 of 2024

for more than 30 days and is ready to abide 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 nine accused in this case and the petitioner herein is arrayed as A7. He further submits that on the date of the alleged occurrence, this petitioner along with other accused had committed the theft of the container, containing 5230 numbers of Dell Note Book Computer worth about Rs.34,98.58.779.80. He further submits that 5200 numbers of Dell Note Book Computer have been recovered. 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.

6. Considering the nature of offence, considering the period of incarceration undergone by the petitioner from 27.09.2024, and the petitioner has no previous case pending against him, already the property was



CrI.O.P.No.26633 of 2024

recovered, co-accused were also released on bail, and this petitioner is the driver and he only arranged the container for transportation, 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 learned XVI Metropolitan Magistrate, Egmore, 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 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;



WEB COPY



CrI.O.P.No.26633 of 2024

[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.

25.10.2024

drl

To

- 1.The XVI Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
B-5 Harbour Police Station,
Chennai.
- 3.The Superintendent,
Central Prison-II, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.26633 of 2024

drl

Crl.O.P.No.26633 of 2024

25.10.2024