



Crl.O.P.No.26978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 28.10.2024**

CORAM

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

**Crl.O.P.No.26978 of 2024**

Rajesh

...Petitioner/Accused

**Vs.**

State rep by  
The Inspector of Police,  
B-5 Harbour Police Station  
Chennai.  
(Crime No.18 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. 18 of 2024 on the file of the respondent police.

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For Petitioner : Mr. V.Karthick

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



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## **ORDER**

The petitioner, who was arrested on 19.09.2024 and remanded to judicial custody on the same day for the offences under Sections 305, 306 of BNS 2023, 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 petitioners 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 for the petitioner submitted that the petitioner is



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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 bail to the petitioner stating that the petitioner along with other accused had committed theft of laptop, worth about Rs.35/- crores and there are five previous cases against the petitioner and the property has been recovered and the co-accused has already been released on bail.

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

6. Considering the submissions made on both sides, considering the nature of offences, the property has been recovered and also taking into consideration the period of incarceration undergone by the petitioner from 19.09.2024 and though the petitioner is having 5 previous cases, in



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those cases, he was granted bail and those cases are not similar kind of offence and the co-accused has already been released on bail, 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 *XVI Metropolitan Magistrate, George Town, Chennai* and on further conditions that:

**[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for 30 days;**

**[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;



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[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;

[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.

**28.10.2024**

vsg



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**P.DHANABAL, J.**

*vsg*

To

1. XVI Metropolitan Magistrate, George Town, Chennai.

2. Central Prison, Puzhal-II.

3. The Inspector of Police,  
B-5 Harbour Police Station  
Chennai.

4. The Public Prosecutor,  
High Court of Madras.

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