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CrI.O.P.No.27618 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.27618 of 2024

Srinivasan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
SHO, Neyveli Thermal Police Station,
Neyveli, Cuddalore District.
(Crime No.213 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner/A4 on bail, in connection with the Crime No.213 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Poomalai

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 02.10.2024, seeking bail in Crime No.213 of 2024 registered for the offence under Section 310 (4) of BNS.



Crl.O.P.No.27618 of 2024

WEB COPY

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they have seen that the accused were found making preparations for committing robbery of copper wire at Neyveli New Thermal Power Station. The respondent has arrested the accused and from them, weapons and two wheeler were recovered. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He also submitted that the petitioner is in custody from 02.10.2024 and further, he is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner/A4 along with other accused was arrested while they were making preparations for committing theft of copper wire at Neyveli New Thermal Power Station. He further submitted that there is no previous case against the petitioner, however, he opposed for granting bail to the petitioner.



Crl.O.P.No.27618 of 2024

WEB COPY

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that there is no previous case against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Neyveli, Cuddalore District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



CrI.O.P.No.27618 of 2024

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. for a period of two weeks and thereafter, on every Monday at 10.30a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]*;

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

05.11.2024

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Crl.O.P.No.27618 of 2024

WEB COPY

To

1. The District Munsif cum Judicial Magistrate,
Neyveli, Cuddalore District.
2. The Sub-Inspector of Police,
SHO, Neyveli Thermal Police Station,
Neyveli,
Cuddalore District.
3. The Central Jail,
Chapper Hills, Vandipalayam Post,
Cuddalore District - 607 104.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.27618 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.27618 of 2024

05.11.2024