



WEB COPY



Crl.O.P.No.27893 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

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

Crl.O.P.No.27893 of 2024

Soundar Rajan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.

(Crime No.515 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail pending investigation in Crime No.515 of 2024, on the file of the respondent Police.

For Petitioner : Mr.A.Murugavel

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.10.2024, seeking



CrI.O.P.No.27893 of 2024

bail in Crime No.515 of 2024 registered for the offence under Section 303(2) of BNS.

2. The case of the prosecution is that on 12.10.2024, when the defacto complainant along with his family members went to the newly constructed house, the accused had trespassed into the defacto complainant's old house and took away a sum of Rs.25,000/- and bond papers from the bureau as well as other household articles. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that the alleged occurrence is said to have taken place on 12.10.2024 and an FIR has been registered on 14.10.2024, after a delay of two days from the date of occurrence. He further submitted that the petitioner is in custody from 14.10.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.27893 of 2024

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner and the defacto complainant are residing in the same area. He further submitted that there are totally 5 accused in this case and the petitioner herein is arrayed as A1. He further submitted that on the date of the alleged occurrence, the petitioner along with other accused trespassed into the old house of defacto complainant and took away Rs.25,000/-, bond papers and also other house-hold articles. He further submitted that the petitioner has no previous case pending against him. He further submitted that all other accused have been absconding. He, therefore, opposed for grant of bail to the petitioner.

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 period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



Crl.O.P.No.27893 of 2024

WEB COPY

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, Thiruvannainallur** 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;

[b] the petitioner shall report before the respondent Police, twice everyday at 10.30 a.m., and 6.30 p.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]*;



WEB COPY



CrI.O.P.No.27893 of 2024

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

07.11.2024

drl

To

1. The District Munsif cum Judicial Magistrate,
Thiruvannainallur.
2. The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
3. The Superintendent,
District Jail, Vedampattu, Villupuram District.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.27893 of 2024

A.D.JAGADISH CHANDIRA.,J.

drl

Crl.O.P.No.27893 of 2024

07.11.2024