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Crl.O.P.No.27851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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

Crl.O.P.No.27851 of 2024

Ajith Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T7, Tank Factory Police Station,
Avadi.
(Crime No.127 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.127 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Anand

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 29.09.2024, seeking bail in Crime No.127 of 2023 registered for the offence under Sections 457 and 380 of IPC.



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2. Based on the complaint given by the de facto complainant that by breaking open her house, someone had trespassed into her house and had stolen her 5 sovereigns of gold jewels and cash, a case in Crime No.127 of 2023 came to be registered. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case since he has several previous cases. He further submitted that petitioner is in custody from 29.09.2024 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had committed the burglary of 5 sovereign gold jewels and cash from the de facto complainant's house in her absence. He also submitted that the stolen jewels were recovered from the accused and the investigation in this case has been completed and the charge sheet has also been filed, which is yet to be taken on file. He also submitted



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that eight previous cases of similar nature are pending against the petitioner, hence, he 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 fact that the charge sheet has been filed in this case 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 **Judicial Magistrate, Ambattur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned Judicial Magistrate, Ambattur, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

07.11.2024

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To

1. The Judicial Magistrate,
Ambattur.
2. The Inspector of Police,
T7, Tank Factory Police Station,
Avadi.
3. The Superintendent,
Central Prison,
Puzhal - II.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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