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CrI.O.P.No.28352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

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

CrI.O.P.No.28352 of 2024

Sarjil Malik

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Valangaiman Police Station.

(Crime No.459 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.459 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.T.Arunan
Assisted by Ms.M.A.Aruneshe

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A4, who was arrested and remanded to judicial custody on 09.10.2024, seeking bail in Crime No.459 of 2024 registered for the offence under Section 303(2) of BNS.



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2. The case of the prosecution is that on 08.10.2024, the de facto complainant had lodged a complaint stating that someone had stolen two Remote Radio units (RRUNO :2 Model 4418) installed in the Kandiyur Airtel Tower Indus No.1106816. Based on his complaint, the present case came to be registered. During the course of investigation, it came to light that the petitioner/A4 along with the other accused had committed the theft of those RR units. 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. He also submitted that even as per the prosecution, the allegation against the petitioner is that he had only assisted the other accused to dispose the stolen properties. He further submitted that the petitioner is in custody from 09.10.2024, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner/A4 along with 10 other accused had committed theft of two Remote Radio units from the cell phone towers located in Kandiyur. He further submitted



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that several cases of similar nature are pending against the petitioner, who had assisted the other accused to sell those RR units stolen from different locations. He also submitted that the petitioner is a native of Uttar Pradesh, therefore, if he is released on bail, there is a possibility of him absconding and not available for further investigation.

5. At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner is now residing at Trichy and he is ready to produce sufficient sureties and also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for bail.

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

7. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. 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 (out of which, one surety should be the local surety)**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Valangaiman**, 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, everyday at 10.30 a.m and 06.30 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***



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[(2005)AIR SCW 5560];

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

13.11.2024

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To

1. The District Munsif cum Judicial Magistrate,
Valangaiman.
2. The Inspector of Police,
Valangaiman Police Station.
3. The Sub Jail,
Nagapattinam – 611 001.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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