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Crl.O.P.No.29041 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

Crl.O.P.No.29041 of 2024

Vignesh @ Tharamani Vignesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-1, Chintadaripet Police Station,
Chennai.
(Crime No.223 of 2024).

... 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.223 of 2024, on the file of the respondent Police.

For Petitioner : Mr.P.Thompson

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 bail in Crime No.223 of 2024 registered for the offence under Sections 331(4), 305(a) and 241 of BNS.



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2. The case of the prosecution is that the accused have trespassed into the de facto complainant's E-waste scrap material shop, by breaking open the door and committed theft of 60 kg of e-waste, 2000 nos. of e-waste (Recycling) Mobile phones, 2 laptops, 1 DVR CCTV footage and Rs.17,800/- cash. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 24 years, is an innocent person and the respondent has falsely implicated the petitioner in this case in order to detain him under Act 14. He also submitted that the similarly placed co-accused has been granted bail by this Court in Crl.O.P.No.29020 of 2024 dated 20.11.2024, hence, he prayed for grant of bail to the petitioner stating that the petitioner, who is in custody from 14.10.2024, is ready to abide by any other stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner along with other accused had committed theft of materials worth about Rs.1,10,000/- and cash of Rs.17,800/- from the de



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facto complainant's shop. He further submitted that five previous cases are pending against the petitioner.

5. Heard the learned counsel appearing for the petitioner, 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 also taking note of the period of incarceration undergone by the petitioner and that the co-accused has been released on bail, 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** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **XIV Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:



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[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 am., for period of two weeks and thereafter, every Saturday 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 of B.N.S.

21.11.2024

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To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
F-1, Chintadaripet Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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