



Crl.O.P.No.29565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

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

Crl.O.P.No.29565 of 2024

1. Leo Irudhayaraj

2. John Britto

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Vadaponparappi Police Station,
Kallakurichi District.
(Crime No.337 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.337 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.Shimiyon Edwin

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

ORDER

Petition seeking bail in respect of Crime No.337 of 2024 registered for the offences punishable under Sections 331(3) and 305(a) of BNS is on board for consideration.



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2. The incarceration of the petitioners being from 04.11.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are no way connected with the alleged offence, however, due to previous enmity, they have been implicated in this case. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused had trespassed into the house of the de facto complainant, by breaking open the door and committed theft of more than 15 sovereigns of gold jewels and a cash of Rs.49,000/-. He also submits that the stolen jewels and cash were recovered from the accused and the investigation is still pending. He further submits that there is no previous case against the petitioners.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the



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materials available on record, and taking note of the fact that there is no previous case against the petitioners and that the stolen articles were recovered, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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, Sankarapuram**, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down



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by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala***
[(2005)AIR SCW 5560];

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

26.11.2024

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To

1. The Judicial Magistrate,
Sankarapuram.
2. The Inspector of Police,
Vadaponparappi Police Station,
Kallakurichi District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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