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Crl.O.P.No.30209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

Crl.O.P.No.30209 of 2024

Yamin Saifi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.

(Crime No.322 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with the Crime No.322 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Ananth

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

ORDER

Petition seeking bail in respect of Crime No.322 of 2024 registered for the offences punishable under Section 303(2) of BNS, is on board for consideration.



CrI.O.P.No.30209 of 2024

WEB COPY

2. The incarceration of the petitioner being from 23.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is in no way connected with the alleged offence and he is 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 committed theft of 99 meters of Radio Frequency (RF) cable from the phone Tower situated within the jurisdiction limit of the respondent. He further submits that only 24 meters of RF cable were recovered and the investigation is still pending in this case. He also submits that two previous cases are pending against the petitioner.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner



CrI.O.P.No.30209 of 2024

with certain conditions and 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 No.II, Tiruvannamalai**, 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., 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]***;

A.D.JAGADISH CHANDIRA.,J.



WEB COPY



Crl.O.P.No.30209 of 2024

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

04.12.2024

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To

1. The Judicial Magistrate No.II,
Tiruvannamalai.
2. The Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.30209 of 2024