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Crl.O.P.No.30436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.12.2024**

CORAM

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

Crl.O.P.No.30436 of 2024

1.Shiva @ Sivarasan

2.Suresh

... Petitioners

Vs.

The State, rep. by
The Sub-Inspector of Police ,
Kandili Police Station
Dharmapuri District.
[Crime No.532 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 **Crime No.532 of 2024**, pending investigation on the file of the respondent Police.

For Petitioners : Mr.J.Pradeep

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

ORDER

Petition seeking bail in respect of Crime No.**532** of 2024 registered for the offences punishable under Sections 331(4) and 305(a) of BNS, 2023, is on board for consideration.



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2. The incarceration of the petitioners being from **19.10.2024** 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 offences and they 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 on 28.09.2024, the petitioners trespassed into the house of the defacto complainants house and committed a theft of 5 sovereigns of gold jewels and an amount of Rs.5,000/-. He would further submit that the petitioners have two previous cases.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, 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**, out of which, **one must be a blood related surety**, each for a like sum to the satisfaction of the learned **Judicial**



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Magistrate No.II, Tirupattur, 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 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.

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A.D.JAGADISH CHANDIRA.,J.

Dsn

To

1. The Judicial Magistrate No.II, Tirupattur.
2. The Sub-Inspector of Police,
Kandili Police Station
Dharmapuri District.
3. The Superintendent,
Sub Jail, Tirupattur.
4. The Public Prosecutor,
High Court of Madras.

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