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Crl.O.P.No.30452 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

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

Crl.O.P.No.30452 of 2024

Siva

... Petitioner

Vs.

The State, Rep. by
The Inspector of Police
Komaralingam Police Station
(Crime No.146 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.128 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Madathukulam.

For Petitioner : Mr.S.Ilamuhil

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

ORDER

Petition seeking bail in respect of in C.C.No.128 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Madathukulam in connection



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with Cr.No.146 of 2024 registered for the offences punishable under Sections 331(4), 305 of BNS is on board for consideration.

2.The incarceration of the petitioner being from 17.08.2024 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 bail application filed by the petitioner before the learned District Munsif cum Judicial Magistrate, Madathukulam was dismissed in CrI.MP.No.2527 of 2024 on 25.11.2024. He also submits that the petitioner is no way connected with the alleged offences 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 petitioner trespassed into the house of the de facto complainant, committed theft of gold stud worth about Rs.5,000/- and a sum of Rs.4,000/-. He further submits that there are eleven previous cases 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



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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**, (out of which, one surety should be a blood related surety) each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Madathukulam, 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 learned District Munsif cum Judicial Magistrate, Madathukulam, on every working day 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]***;



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[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.

sai

To

- 1.The District Munsif cum Judicial Magistrate, Madathukulam,
- 2.The The Inspector of Police
Komaralingam Police Station
- 3.The Superintendent,
Central Prison, Madurai
- 4.The Public Prosecutor,
High Court of Madras.

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