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Crl.O.P.No.30582 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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

Crl.O.P.No.30582 of 2024

Arjun

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nangavalli Police Station,
Salem District.

(Crime No.121 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.121 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.Leonard Arul Joseph Selvam

Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.121 of 2024 registered for the offences punishable under Sections 331, 305(a) of BNS @ Sections 331, 305(a) and 310 (2) of BNS Act, is on board for consideration.



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2. The incarceration of the petitioner/A1 being from 01.10.2024 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 has nothing to do with the alleged offence, however, he was arrested in this case, since he has several previous cases. He further submits that the co-accused in this case have been granted bail by this Court in Crl.O.P.Nos.30141 & 30162 of 2024 dated 03.12.2024 and the petitioner 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 trespassed into the house of the de facto complainant, by breaking open the door and committed theft of 30 sovereigns of gold jewels and a cash of Rs.36,000/-. He further submits that only 13.45 sovereigns of gold jewels have been recovered and the investigation is still pending in this case. He also submits that 24 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 taking note of the period of incarceration



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undergone by the petitioner, this court is inclined to grant bail to the petitioner 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 **Judicial Magistrate No.I, Mettur**, 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 06.30 p.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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A.D.JAGADISH CHANDIRA.,J.

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

09.12.2024

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To

1. The Judicial Magistrate No.I,
Mettur.
2. The Inspector of Police,
Nangavalli Police Station,
Salem District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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