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Crl.O.P.No.30893 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

Crl.O.P.No.30893 of 2024

Babulal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E-3 Teynampet Police Station,
Chennai.

(Crime No.472 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.472 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Manikandan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

Petition seeking bail in respect of Crime No.472 of 2024 registered for the offences punishable under Sections 331 and 306 of BNS is on board for consideration.

2. The incarceration of the petitioner being from 19.11.2024 pleading



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innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that even as per the prosecution, 17.5 Kgs of silver, two wheeler (Honda Activa) and cash of Rs.4.8 Lakhs have been recovered, however the petitioner is still in custody. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

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 is an employee of the defacto complainant. It is alleged that the petitioner is said to have committed theft of 20 Kgs of silver items and a cash of Rs.5 Lakhs and a two wheeler (Honda Activa) from the shop of the defacto complainant. He also submitted that if he is released on bail, there is every possibility of him absconding and not available for further investigation.

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**, each for a like sum to the satisfaction of the learned **XVIII Metropolitan Magistrate, Saidapet, Chennai** 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***

A.D.JAGADISH CHANDIRA.,J.



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Anu

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[(2005)AIR SCW 5560];

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

11.12.2024

Anu

To

1. The XVIII Metropolitan Magistrate, Saidapet, Chennai
2. The Inspector of Police,
E-3 Teynampet Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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