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Crl.O.P.No.31926 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

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

Crl.O.P.No.31926 of 2024

Moorthy

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
(Crime No.906 of 2021).

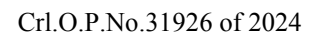
... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail pending investigation in Crime No.906 of 2021 on the file of the Inspector of Police, Tiruvannamalai Taluk Police Station, Tiruvannamalai.

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

ORDER

Petition seeking bail in respect of Crime No.906 of 2021 registered for the offences punishable under Sections 457 and 380 IPC is on board for



2. The incarceration of the petitioner/A1 being from 26.10.2024 pleading 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 further submits that this is the second petition for bail. The earlier petition for bail was dismissed on 21.11.2024, on the ground that the petitioner had got nine previous case pending across five districts. Further, he would submit that the petitioner has now reformed and running small daba in Karimangalam, Dharmapuri District and his family is helping him in running hotel business. Further, the petitioner's wife and daughter are ready to stand as sureties 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 put forth 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 2 sovereigns of gold, a cash of Rs.50,000/- and several grams of silver articles. He further submits that only 12 grams of gold jewels have been recovered.. He also submits that the earlier bail petition was dismissed since nine previous cases are pending against



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the petitioner.

4. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

5. Taking note of the period of incarceration and the submission of the learned counsel for the petitioner that the petitioner has reformed and running hotel business, 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 viz., the wife and the daughter of the petitioner**, 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, every Saturday at 06.30 p.m., until



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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]***;

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

20.12.2024

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To

- 1.The Judicial Magistrate No.II, Tiruvannamalai
- 2.The Sub-Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
- 3.The Central Prison,
Vellore.T
- 4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA., J.

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