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Crl.O.P.No.31540 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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

Crl.O.P.No.31540 of 2024

Saiful Rahman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.

(Crime No.264 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.264 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

Petition seeking bail in respect of Crime No.264 of 2024 registered for the offences punishable under Section 306 of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 16.11.2024 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 is in no way connected with the alleged offence, however, due to some dispute that arouse between the management and the petitioner, a false complaint has been given against him. He further submits that 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 petitioner/accused, who is working under the de facto complainant in his gold work shop, had committed theft of 162 grams of gold rod from the de facto complainant's workshop. He further submits that 145 grams of gold rod has been recovered from the accused and the investigation in this case has been completed and the charge sheet has also been filed before the II Metropolitan Magistrate, Egmore, which is yet to be taken on file. He also submits that the petitioner is a native of West Bengal, therefore, if he is released on bail, there is a possibility of him absconding and not available for trial proceedings.



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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 undergone by the petitioner and that the charge sheet has been filed, 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**, each for a like sum to the satisfaction of the learned **II Metropolitan Magistrate, Egmore**, 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 II Metropolitan Magistrate, Egmore, on all working days at 10.30a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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



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A.D.JAGADISH CHANDIRA.,J.

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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.

18.12.2024

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To

1. The II Metropolitan Magistrate, Egmore.
2. The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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