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Crl.O.P.No.31801 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.31801 of 2024

1.Riyaz Ahmed

2.Sasikumar

... Petitioners

Vs.

State Rep. by

The Inspector of Police

J-7, Velachery Police Station

Chennai. (Crime No.491 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.491 of 2024 on the file of the respondent Police.

For Petitioner : Mr.R.Devakumar

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

ORDER

Petition seeking bail in respect of Crime No.491 of 2024 registered for
the offences punishable under Sections 331(4), 305 of BNS is on board for
consideration.

2.The incarceration of the petitioners being from 24.11.2024 pleading



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innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are no way connected with the alleged offences and they are 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 on 19.11.2024, the petitioners trespassed into the house of the de facto complainant and committed theft of 1.5 kgs of silver articles. He further submits that the stolen articles were recovered. He further submits that there are two previous cases pending against the first petitioner and thirteen previous cases pending cases against the second petitioner.

4.Having heard the learned counsel for the petitioners 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 petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 XVIII



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Metropolitan Magistrate, Saidapet, 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 petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

20.12.2024

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A.D.JAGADISH CHANDIRA, J.
sai

To

1.The XVIII Metropolitan Magistrate, Saidapet

2.The Inspector of Police
J-7, Velachery Police Station
Chennai.

3.The Superintendent,
Central Prison, Puzhal II,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

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