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Crl.O.P.No.822 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.01.2025

CORAM

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

Crl.O.P.No.822 of 2025

1. Shubham Kerappa Nagane
 2. Sachin Kerappa Nagane
- .. Petitioners

Vs.

State represented by
The Inspector of Police,
C2, Elephant Gate Police Station, Chennai.

... Respondent

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

For Petitioners : Mr. R. Prathap Raj

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

ORDER

Petition seeking bail in respect of Crime No.248 of 2024 registered for
the offence punishable under Section 306 of BNS, 2023 is on board for
consideration.

2.The incarceration of the petitioners, who are A1 and A2 being from
29.11.2024 & 12.12.2024 respectively pleading innocence on the part of the
petitioner and false implication in the case, learned counsel for the petitioners



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seeks indulgence of this Court. He also submits that the petitioners are no way connected with the alleged offence 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 the accused had committed theft of 3.600 kilograms of Gold from their JDS Gold Testing Company. Based on the complaint given by the de facto complainant, who is the Manager of JDS Gold Testing Company, the case came to be registered. He further submits that there is one previous case against the petitioners. He also submits that the petitioners are the native of Maharashtra, therefore, if they are released on bail, there is every possibility of them absconding and not available for further investigation.

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 each of them executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties, (out of which, one surety should be**



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a blood related surety), each for a like sum to the satisfaction of the learned VIII

Metropolitan Magistrate, George Town, 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 blood-related surety of the petitioners should produce proof of his permanent residence in Maharashtra;

[c] the petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;

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

23.01.2025

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A.D.JAGADISH CHANDIRA, J.
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To

1. The VIII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police.
C2, Elephant Gate Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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