



WEB COPY



Crl.O.P.No.2140 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2140 of 2025

Laxman @ Laxman Choudhary @ Lucky

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
C.1, Flower Bazaar Police Station,
Chennai – 600 001.
(Crime No.254 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.254 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.12.2024, seeking bail in Crime No.254 of 2024 registered for the offence under Sections 331(2), 306 @ 331 (2),



Crl.O.P.No.2140 of 2025

306 r/w 61 (2) of BNS 2023.

2. The case of the prosecution is that the petitioner along with another accused had broke open the shop of the defacto complainant on the night intervening 13.12.2024 and 14.12.2024 and committed theft of cash of Rs.70 Lakhs and also damaged the CCTV cameras; that the defacto complainant found out the theft on the next day, when he opened the shop; that initially a case was registered for the offence under Sections 331(2) and 306 of BNS, 2023 and later altered to 331 (2), 306 r/w 61 (2) of BNS, 2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that in any case out of the stolen amount, a sum of Rs.57,35,000/- has already been recovered; and that considering his period of incarceration, he may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police confirms that out of the stolen amount, a sum of Rs.57,35,000/- has already been recovered. He would further add that the petitioner hails from Rajasthan and that there are no previous cases against the petitioner.



Crl.O.P.No.2140 of 2025

WEB COPY

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the allegations, the fact that substantial amount, which was said to be stolen has been recovered, the period of incarceration, the fact that there are no previous cases against this petitioner and that his further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty-Five Thousand only)** with **two sureties (both shall be residents of Chennai)** 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



CrI.O.P.No.2140 of 2025

obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Chennai and report before the respondent Police, everyday twice at 10.30 a.m., and 6.00 p.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 [(2005)AIR SCW 5560]***;

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

05.02.2025

ars



CrI.O.P.No.2140 of 2025

WEB COPY

To

1. The VIII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
C.1, Flower Bazaar Police Station,
Chennai – 600 001.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2140 of 2025

SUNDER MOHAN., J.

ars

Crl.O.P.No.2140 of 2025

05.02.2025