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Crl.O.P.No.2422 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2422 of 2025

Albert Rosario

... Petitioner/Accused

Vs.

The State represented by,
The Sub Inspector of Police,
R7 K K Nagar Police Station.
(Crime No.278 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.278 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Mukesh Kannah

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 30.12.2024, seeking bail in Crime No.278 of 2024 registered for the offence under Section 303(2) of BNS.



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2. The case of the prosecution is that the petitioner had stolen away the two-wheeler of the defacto complainant, when it was parked in front of his house.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 30.12.2024 and the stolen two-wheeler has been recovered. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the petitioner has twelve previous cases for the offence under Section 379 IPC and has been released on bail in all other cases and that the stolen two-wheeler has been recovered.

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.



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6. Considering the period of incarceration, the fact that the petitioner is on bail in all other previous cases; the stolen vehicle has been recovered and that since, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XXIII Metropolitan Magistrate, Saidapet, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.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



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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.

17.02.2025

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To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Sub Inspector of Police,
R7 K K Nagar Police Station.
3. The Superintendent,
Central Prison-II, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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