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Crl.O.P.No.2880 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2880 of 2025

Asha Yogesh Tukaram Barade

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C2 Elephant Gate Police Station,
Chennai.
(Crime No.248 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.248 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Prathapraj

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 22.12.2024, seeking bail in Crime No.248 of 2024 registered for the offence under Sections 306 of BNS.



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2. The case of the prosecution is that the petitioner along with other accused committed theft of 3.6 kg of gold from the defacto complainant's shop. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that petitioner is an innocent person and he has been falsely implicated in this case. He submitted that A1 in this case was granted bail by this Court in Crl.O.P.No.822 of 2025. He further submitted that, since the petitioner is in custody from 22.12.2024, the further custody of the petitioner may not be required and hence the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) submitted that, out of the stolen property of 3.6 kgs of gold, only 1.58 kgs of gold is recovered and the balance is yet to be 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 fact that the co-accused has been granted bail; no previous case; period of incarceration; and since 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 **VIII Metropolitan Magistrate, George Town at Chennai**

[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;



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[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.

06.02.2025

Sma
To

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



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SUNDER MOHAN., J.

Sma

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