



WEB COPY

CrI.O.P.No.7005 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.7005 of 2025

Rafika

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by Inspector of Police
D-3 Ice House Police Station
Chennai
(Crime No.67 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.67 of 2025, on the file of the respondent Police.

For Petitioner : Mr.C.K.M.Appaji

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 15.02.2025, seeking bail in Crime No. 67 of 2025 registered for the offence under Section 306 of BNS.

2.The case of the prosecution is that the petitioner along with other accused trespassed into the house of the de facto complainant and stole 233 grams of gold, 18 grams of silver and a sum of Rs.1,00,000/- as cash.

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 15.02.2025 and he is

ready to abide by any stringent conditions that may be imposed by this Court.

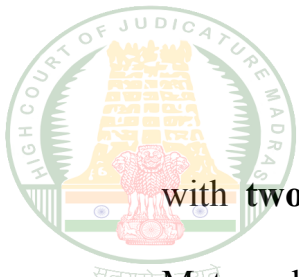
Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate further submitted that stolen silver articles and cash amount were recovered from the petitioner. He further submitted that the petitioner has no previous cases against him and the co-accused was already granted bail by this Court.

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 nature of allegations, period of incarceration undergone by the petitioner, the fact that petitioner has no bad antecedents and the co-accused was already granted bail by this court, and since further custody is not required for the purpose of interrogation, 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 II

Metropolitan Magistrate, Egmore, 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 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 of B.N.S.

12.03.2025

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SUNDER MOHAN, J.

sai

To

1.The II Metropolitan Magistrate,
Egmore

2.The Inspector of Police
D-3 Ice House Police Station
Chennai

3.The Superintendent
Central Prison, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

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