



CrI.O.P.No.7393 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.7393 of 2025

Mathesh

...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
D-3, Ice House Police Station,
Chennai.

(Crime No.46 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.46 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Nivesh Kumar

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 05.02.2025, seeking bail in Crime No.46 of 2025 registered for the offence under Section 305(a) of BNS, 2023.

2.It is the case of the prosecution that on 02.02.2025 at about 5.00 p.m., the defacto complainant had withdrawn a sum of Rs.15,000/- from ATM and kept the same in a bag in his house; that the defacto complainant and his wife went to a nearby hotel and that when they returned home, the said amount was found missing and on verifying the CCTV footage, it was revealed that the petitioner had committed theft. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is in custody from 05.02.2025 and hence further custody of the petitioner is not required and sought for bail.



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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that there are six previous cases pending against the petitioner and he is on bail in those cases and that a cash of Rs.7,500/- has been recovered from the accused.

5.Considering the nature of allegations, period of incarceration, the fact that some part of amount has been recovered and the petitioner is on bail in the previous cases and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6.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 **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;



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[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 B.N.S.

13.03.2025

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Copy to:

- 1.The Inspector of Police,
D-3, Ice House Police Station,
Chennai.
- 2.The II Metropolitan Magistrate Court, Egmore.
- 3.The Superintendent of Prison,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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