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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16580 of 2025

Ebinezar ... Petitioner

Vs.

State rep. by
The Inspector of Police,
E-4, Kattur Police Station.
Chennai District.
Crime No.129 of 2025. ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Crime No.129 of 2025 pending on the file of the Respondent police.

For Petitioner : Mr.K.Gokulram

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 11.04.2025, for the offence punishable under Sections 305 of BNS, later altered into Section 334 (1), 305 and 61 (2) of BNS in connection with Crime No.129 of 2025, registered on the file of the respondent, seeks bail.

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2. The case of the prosecution is that the defacto-complainant is a warehouse Manager. On 30.03.2025, the container landed at Kattupalli Port which came from London contained Silver Bar and on 02.04.2025, they found that the container lock is tempered and 30 Silver Bar missing. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is falsely implicated in this case. The petitioner is in judicial custody from 11.04.2025 and hence, further custody of the petitioner is not required. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioner.

5.Heard both sides and perused the materials available on record**.**

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with

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two sureties, each for a like sum to the satisfaction of the **Judicial Magistrate I, Ponneri,** and on further conditions that:

a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall appear before the respondent Police daily at 10.30 a.m., for a period of two weeks; thereafter as and when required for further interrogation;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the

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M.NIRMAL KUMAR, J.

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aforementioned 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)13 SCC 283**];**

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

09.06.2025

gv

To
1. The Judicial Magistrate I,
Ponneri.

2.The Inspector of Police,
E-4, Kattur Police Station.
Tiruvallur District.

3.The Superintendent,
Central Prison, Puzhal – II.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.16580 of 2025

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