



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE MR. JUSTICE C.KUMARAPPAN

CRL OP No. 14260 of 2026

Jakhir Hussain

..Petitioner(s)

Vs

State Rep By Its
The Inspector of Police
D-5 Marina Police Station,
Chennai
Crime No.127 of 2026

..Respondent(s)

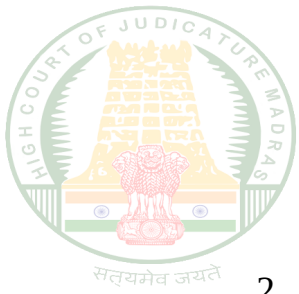
Criminal Original Petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioner on bail pending investigation in Crime No.127 of 2026 on the file of the respondent.

For Petitioner(s): Mr.M.Prakash

For Respondent(s): Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.05.2026, seeks bail for the offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita (BNS).



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2. The case of the prosecution is that the petitioner, along with other accused, stole an auto-rickshaw belonging to the defacto complainant which was parked in front of his house, leading to the registration of the present case.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. It is further submitted that the present matter involves the theft of an auto-rickshaw and, admittedly, the vehicle has subsequently been recovered by the law enforcement authorities. The learned counsel submitted that the petitioner has been incarcerated since 13.05.2026, and since the co-accused (A2) has already been enlarged on bail, he prays for the grant of bail to the petitioner on the ground of parity.

4. The said contention was strongly opposed by the learned Government Counsel (Criminal Side) appearing for the respondent, who submitted that the petitioner has a previous case of a similar nature recorded against him. The learned Government Counsel further contended that the presence of a similar antecedent constitutes a serious aggravating circumstance. It is submitted that given the petitioner's past conduct, there is a strong apprehension of recidivism, and therefore, the prosecution strongly opposes the enlargement of the

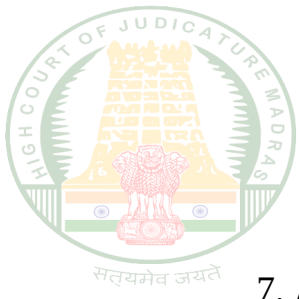


petitioner on bail.

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5. I have given my anxious consideration to the submissions made by the learned counsel on either side.

6. Taking into consideration the totality of the circumstances, this Court is of the view that while the personal liberty of the petitioner must be considered, a balance must be struck between individual liberty and the protection of public at large. Though the stolen vehicle has been recovered and the co-accused has been granted bail, the objection raised by the learned Government Counsel regarding the petitioner's previous case of a similar nature cannot be overlooked. The existence of a similar antecedent is a clear aggravating circumstance, and considering the strong possibility of recidivism, this Court is of the firm view that it is not desirable to enlarge the petitioner on bail at this stage.



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7. Accordingly, the Criminal Original Petition is dismissed.

08-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Jeni

To

- 1.The II Metropolitan Magistrate, Egmore, Chennai.
- 2.The Superintendent, Central Prison, Chennai.
- 3.The Inspector of Police. D-5 Marina Police Station, Chennai.
- 4.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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