

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.7882 of 2020

A.Mubarak Basha
Petitioner

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Vs.

State Rep. by
The Inspector of Police,
Veppanapalli Police Station,
Krishnagiri District.
Cr. No.416 of 2020
Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.416 of 2020 on the file of the respondent police.

For Petitioner : M/s.J.Pradeep

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2020 for the offence punishable under Sections 457 & 480 of IPC in Crime No.416 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have broke open the shutter of the defacto complainant's shop and committed theft of Rs.1,20,700/- during the lock down period. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution. The petitioner and the defacto complaint had some money transaction and misunderstanding arose between them and hence a false case has been implicated against the petitioner. Further he submits that the petitioner is in judicial custody from 29.04.2020 and hence, he seeks bail for the petitioner.

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4. The learned Additional Public Prosecutor (Crl. Side) would submit that the theft amount of Rs.1,20,700/- has been recovered and he has no previous case and major part of investigation is over. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 29.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai 600 020, Andhra Bank, Madhya Kailash Branch (SB A/c.No.149710011005477) and on such deposit, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

27.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

dpq

To

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1. The learned Principal District cum Sessions Judge
Krishnagiri.
2. The Chief Judicial Magistrate, Krishnagiri.
3. The learned Judicial Magistrate - II, Krishnagiri,

3. The Inspector of Police,
Veppanapalli Police Station,
Krishnagiri District.

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent,
Central Prison, Salem.



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M.NIRMAL KUMAR, J.

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