

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.15060 of 2020

1. JAHEER HUSSAIN
2. VIMALRAJ

... Petitioners

Vs.

State rep. By
SUB-INSPECTOR OF POLICE
Dusi Police Station,
Dusi
Thiruvannamalai District
(Crime No.2030 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners / accused on bail in Crime No.2030 of 2020 on the file of the Inspector of Police, Dusi Police Station, Thiruvannamalai District.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Ms.S.Thankira
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who was arrested and remanded to judicial custody on 14.08.2020 for the offences punishable under **Sections 457 and 380 of IPC, in Crime No.2030 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant one Madurai Veeran is that he is working in Sai Balaji Gas and on 13.08.2020, four unknown persons entered into the company and committed theft of 3 HP Motor pump and de-coiling dies from his factory premises and when he raised alarm, they have assaulted him and escaped from the scene of occurrence.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case based on the confession of the other accused. He would further submit that the petitioners are in

judicial custody from 14.08.2020 and they have no previous cases against them.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners along with other accused had committed the theft of 3 HP Motor and de-coiling dies from the factory premises of the defacto complainant. He would further submit that the entire contraband has been recovered. He would further submit that the petitioners have no other cases pending against them.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Cheyyar, Thiruvannamalai District** and on further conditions that;

(b) 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;

(c) the petitioners on their release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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.

-sd/-
25/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYAR, THIRUVANNAMALAI DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
DUSI POLICE STATION, DUSI,
THIRUVANNAMALAI DIST.

+1 CC to M/S.K.G.SENTHIL KUMAR Advocate on payment of
necessary charges SR.NO.6476

CRL OP.15060/2020

Date :25/09/2020

GKS:28/09/2020