



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19380 of 2021

1.Narasaiah
2.Sadham Hussain

... Petitioners

Vs.

The Inspector of Police,
F-1, Gummidipoondi Police Station,
Thiruvallur District.
(Crime No.356 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.356 of 2021 on the file of the respondent police pending investigation.

For Petitioners : Mr.G.Mohana Krishnan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 18.09.2021 for the offence under Section 379 of I.P.C. @ 379, 420 and 149 of I.P.C. in Crime No.356 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that A1 and A2 are fake owners of the car. The petitioners herein are A3 and A4 and they hired the car from A1 and drove the car in rash and negligent manner and met with an accident, for which, a case in crime no.354 of 2021 was registered by the respondent police and the car was seized. Thereafter, A1 and A5 are alleged to have created fake key for the car and are alleged to have stolen the same from the custody of the respondent police. Hence, the present case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and would further submit that the allegation is only against A1 and A5 and the petitioners are no way connected with this case.



4.The learned Government Advocate (Criminal Side) submitted that apart from the case in crime no.354 of 2021, no other previous case is pending as against the petitioners.

5.Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Gummidipoondi and on further condition 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;

(b)the petitioners shall report before the respondent police, daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

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

(d)the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

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

-sd/-
21/10/2021

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.



1 THE JUDICIAL MAGISTRATE,
GUMMIDIPOONDI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
F-1, GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S. G.MOHANA KRISHNAN Advocate on payment of
necessary charges SR.NO.11520

CRL OP.19380/2021

Date :21/10/2021

TA-21/10/2021