



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.19486 of 2021

Karthick

... Petitioner

Vs.

State represented by
The Sub Inspector of Police,
C2, Elephant Gate Police Station,
George Town,
Chennai 600 108
Crime No.1251 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.1251 of 2021 on the file of the respondent police.

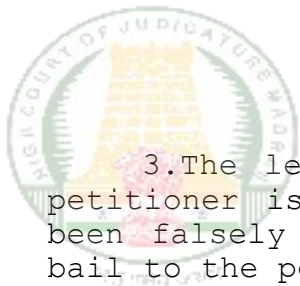
For Petitioner : Mr.M.Vembadiyan

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

ORDER

The petitioner who was arrested on 16.09.2021 and remanded to judicial custody on 17.09.2021 for the offences under Sections 379 of IPC in Cr.No.1251 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is owning a fancy shop in Sowcarpet and selling cosmetics, jewellery, bangles etc. It is alleged that on 14.09.2021, three women had visited his shop and enquired prices of various products but did not buy anything and again, they visited the shop on the next day and enquired prices of the products and went away. At the time of closing his daily accounts, the de-facto complainant found that a few boxes of bangles were missing. While checking the CCTV camera, he found that the above said three women had stolen the bangle boxes and had kept it in their bags. Hence, this complaint.



3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. Therefore, he prays to grant bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) vehemently objects to grant bail stating that four accused persons were involved in this case and also stolen properties have been recovered. There is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one surety shall be a blood relative of the Petitioner/accused, each for a like sum amount each to the satisfaction of the learned Metropolitan Magistrate, George Town, Chennai.

(b) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(c) the petitioner co-operate with the pending investigation and shall report before the respondent Police, daily at 10.30 a.m., until further orders;

(d) the petitioner shall not influence, threaten or coerce the witnesses either during trial;

(e) the petitioner shall not abscond during trial;

(f) 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 Judicial 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;



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

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-sd/-
12/10/2021

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.

TO

1 THE METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
C2, ELEPHANT GATE POLICE STATION,
GEORGE TOWN, CHENNAI 600 108

4 THE OFFICER INCHARGE
THE SUB JAIL, CHENGALPET.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.VEMBADIYAN Advocate on payment of necessary charges SR.NO.11397

CRL OP.19486/2021

Date :12/10/2021

JPA 13/10/2021