



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20751 of 2021

Mohamed Ma Aaruji @ Mhajith

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur.
(Crime No.875 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge this petitioner accused on bail in Crime No.875 of 2021 pending on the file of the Inspector of Police, Muthupettai Police Station, Tiruvarur.

For Petitioner : Mr.I.Abdul Basith

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

O R D E R

The petitioner who was arrested and remanded to judicial custody on 13.09.2021 for the offence under Sections 294(b), 341, 352, 397 and 392 of I.P.C. in Crime No.875 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is alleged to have committed theft of 2-1/2 sovereigns of gold at knife point.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that earlier, the petitioner approached this Court seeking bail by filing Crl.O.P.No.18952 of 2021 and the said petition was dismissed on the ground that there are three previous cases pending against the petitioner. He would further submit that the alleged three previous cases are Crime Nos.872, 873 and 874 of 2021 and the petitioner is not an accused in Crime Nos.872 and 874 of 2021 and insofar as Crime No.873 of 2021 is concerned the



offence is under the Disaster Management Act which is not a serious offence.

4.The learned Government Advocate (Crl. Side) did not dispute the facts submitted by the learned counsel appearing for the petitioner.

5.This Court perused the F.I.R. in Crime Nos.872, 873 and 874 of 2021. On earlier occasion, the petition seeking bail filed by the petitioner was inadvertently dismissed on the ground that there are three previous cases pending against the petitioner. Considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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, Thiruthuraipoondi 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d)the petitioner 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 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]; and;



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

WEB COPY

-sd/-
02/11/2021

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 JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
TIRUVARUR.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

+1 CC to M/S. I.ABDUL BASITH Advocate on payment of necessary charges SR.NO.12365

CRL OP.20751/2021

Date :02/11/2021

INBA-02/11/2021