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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21102 of 2021

1. Gaurav
2. Ashok Kumar

... Petitioners

Vs.

The State rep.by its
Inspector of Police,
C2, Elephant Gate Police Station,
Flower Bazaar, Chennai
Crime No.1279 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioners/2nd and 3rd accused on bail in Crime No.1279 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Vijay for
Mr.M.Amarnath

For Respondent : Mr.N.S.Sugunthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 15.10.2021 for the offences under Section 381 of IPC, in Crime No.1279 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant running a shop. A1 was working as an employee under the defacto complainant and he has stolen away defacto complainant's cash a sum of Rs.5 lakhs and handed over the same to the petitioners. Hence, the complainant.



3. The learned counsel for the petitioners would submit that the petitioner have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that they have been suffering incarceration for more than 25 days from 15.10.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that there are no previous cases as against the petitioners. He further submits that Rs.3,50,000/- has been recovered from the accused.

5. Considering the period of incarceration suffered by the petitioners and also considering the fact that partial amount was recovered from the accused and there is no previous cases pending against the petitioners, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 VIII Metropolitan Magistrate, George Town Chennai, 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., until further orders ;

(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.

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-sd/-
10/11/2021

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 METROPOLITAN MAGISTRATE,
NO.VIII, GEORGE TOWN, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
C2, ELEPHANT GATE POLICE STATION,
FLOWER BAZAAR, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 CC to M/S M.AMARNATH Advocate on payment of necessary charges
SR.NO.12564

CRL OP.21102/2021

Date :10/11/2021

JPA 11/11/2021