



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Cr1.O.P.No.1914 of 2022

WEB COPY

1. Riyaj Mohammad
2. Hussain

...Petitioners

Vs.

State rep by
The Station House Officer
Grand Bazaar Police Station,
Puducherry District.
(Crime No.240 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail pending trial in CC.No.554 of 2021 on the file of the learned Judicial Magistrate, Puducherry.

For Petitioners : Mr.A.Nirmal Kumar

For Respondent : Mr.V.Balamurugane
(Public Prosecutor, Pondicherry)

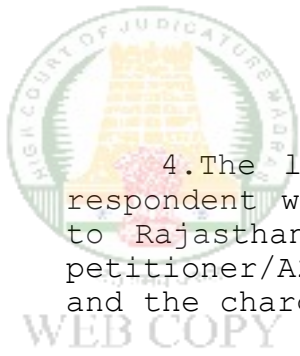
O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 06.11.2021 for the offences under Sections 457,380 of IPC in Crime No.240 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners broke open the main door shutter lock of the defacto compensation's shop by using car tyre lever and stolen ready made dress materials worth about Rs.5 lakhs and disposed off large quantity of the stolen dress materials to the tune of Rs.27,000/- by selling the same on the road side while returning to their home town and they had kept the balance dress materials in their car dickey. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them and that the petitioners have been suffering incarceration for more than 55 days from 06.11.2021. He would further submit that the petitioners are ready to abide by any stringent conditions as may be ordered by this Court. Hence,he would pray for grant of bail to the petitioners.



4. The learned Public Prosecutor (Pondicherry) appearing for the respondent would raise objection stating that the petitioners belong to Rajasthan and that there is one previous case against the 2nd petitioner/A2 but admits that the stolen goods have been recovered and the charge sheet has been filed.

5. Considering the above facts and circumstances of the case and the fact that the stolen goods have been recovered and the charge sheet has been filed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each (out of which one surety shall be a local surety) before the Learned Judicial Magistrate, Puducherry, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioners shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. until further orders.

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

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/02/2022

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,
PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 STATION HOUSE OFFICER,
GRAND BAZAAR POLICE STATION,
PUDUCHERRY

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

5 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET,
PUDUCHERRY

CC to M/S A.NIRMAL KUMAR Advocate on payment of necessary charges

CRL OP.1914/2022

Date : 01/02/2022

RVR 02/02/2022