



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2754 of 2022

Ashrap Basha

... Petitioner

Vs.

State rep. by
The Station Head Officer
Reddichavadi Police Station
Cuddalore District
(Crime No.413 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, pending investigation in Crime No.413 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Gnana Banu

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

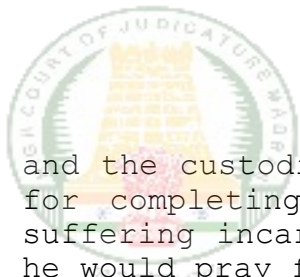
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Sections 379, 381, 411 and 414 of IPC, in Crime No.413 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused committed the offence of theft and dishonestly received stolen property and also assisted in concealment of stolen property. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that as of now, the property alleged to have been stolen by the accused, was recovered



and the custodial interrogation of the petitioner may not be required for completing the investigation and that the petitioner has been suffering incarceration for more than 40 days from 29.12.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police fairly conceded that the alleged stolen property has been recovered and portion of the investigation has been completed.

5. The submission made by the learned Counsel on either side is considered.

6. The petitioner is in judicial custody from 29.12.2021 and as of now, the stolen property has been recovered. Therefore, the question of custodial incarceration of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate No.II, Cuddalore, 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

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



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

(g) the petitioner 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 petitioner 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];

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

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

-sd/-
07/02/2022

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,
NO.II, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]



3 THE STATION HEAD OFFICER,
REDDICHAVADI POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.GNANA BANU Advocate on payment of necessary
charges SR.NO.2009

CRL OP.2754/2022

Date :07/02/2022

JPA 08/02/2022