



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8972 of 2022

WEB COPY

Murugan @ Dhaya

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Perambur Railway Police Station,
Chennai.
(Crime No.14 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.14 of 2022 on the file of the respondent police.

For Petitioner : Mr.B.Kalaiarasan

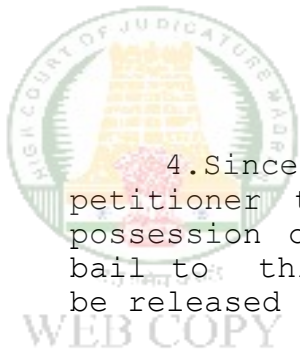
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested on 27.03.2022 for the offences punishable under Sections 379 of IPC , 1860 in Crime No.14 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner was arrested on 27.03.2022 for being found in possession of a stolen cell phone of the defacto complainant. From the F.I.R, this Court understand that on 23.01.2022, the defacto complainant has lodged a complaint to the respondent police alleging that his cell phone was stolen on the previous day night, while he was travelling from Annanur to Chennai Central. Based on the tower location and IMEI Number, the cell phone was located, which was in possession of the petitioner.

3.Learned counsel for the petitioner submitted that the petitioner is innocent buyer of the old cell phone from the Burma Bazaar market and he has no knowledge about the fact that it was stolen from the defacto complainant. The petitioner was arrested on 27.03.2022.



4. Since the prosecution has not taken the custody of the petitioner to ascertain as to from where the petitioner got the possession of the stolen property, this Court is inclined to grant bail to this petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned XVI Metropolitan Magistrate, George Town Court, Chennai;

(b) 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;

(c) the petitioner is directed to appear before the Investigating Officer as and when required.

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

(e) 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];

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

-sd/-

20/04/2022

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.



1 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN COURT, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
PERAMBUR RAILWAY POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE JAILER,
SUB JAIL, CHENGALPATTU.

+2 CC to M/S B.KALAIARASAN Advocate on payment of necessary
charges SR.NO.5835

CRL OP.8972/2022

Date :20/04/2022

RVR 21/04/2022