



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13351 of 2022

Rajamohan

..Petitioner/A6

Vs.

State rep by its
Inspector of Police,
B2, Esplanade Police Station,
Chennai District
crime No.156 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.156 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.05.2022 for the offence punishable under Section 454, 380 & 411 of IPC in crime No.156 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that for the purpose of renovating the Old Law College Building located inside the High Court Campus, some construction materials were kept there. However, on 02.05.2022, when the said building was visited by the Hon'ble Judges, it was found that many strained glass panels were completely broken into pieces. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police submitted that A1 to A5 had stolen iron rods and sold to the petitioner, who is arrayed as A6. He would further submit that other accused persons were arrested and they are still in judicial custody. Hence, he vehemently opposed to grant bail to the petitioner.

5.There are totally six accused, in which the petitioner is arrayed as A6. A1 to A5 looted iron rods from the Old Law College Building located inside the High Court Campus. As far as the petitioner is concerned, he received the goods which were stolen by A1 to A5 and he was arrested and remanded to judicial custody on 18.05.2022. The learned counsel for the petitioner also submit that there is a CCTV footage showing that the entire stolen goods were put up in the petitioner's shop and foisted the false case as against the petitioner as if he received the stolen goods from A1 to A5. A1 to A5 were already arrested and they were remanded to judicial custody. Now the entire investigation completed and after filing charge sheet, the same has been taken cognizance for trial in CC.No.590 of 2022 on the file of the learned VII Metropolitan Magistrate, George Town.

6. Considering the above facts and circumstances of the case and the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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, each for a like sum to the satisfaction of the learned VII Metropolitan Magistrate, George Town, Chennai and on further conditions 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. for a period of two weeks and thereafter as and when required for interrogation

[c] the petitioner shall not abscond either during investigation or trial.

[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 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.

WEB COPY

-sd/-

09/06/2022

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

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE INSPECTOR OF POLICE,
B-2 ESPLANADE POLICE STATION,
CHENNAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary charges SR.NO. 8683

CRL OP.13351/2022

Date :09/06/2022

RW-09/06/2022