



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

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

Cr1.OP.No.14757 of 2022

Mohamed Basha

.. Petitioner/A1

Vs.

State rep.by,
The Inspector of Police,
Cuddalore NT Police Station,
Cuddalore District
crime No.584 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.584 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.C.Vishwanth

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

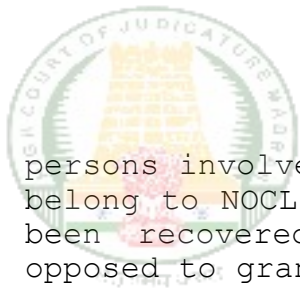
ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.06.2022 for the offence punishable under Section 379 of IPC in crime No.584 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner along with other accused persons involved in theft of 2 ½ tonnes of iron rods worth Rs.75,000/- belong to NOCL company. 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 the petitioner and other accused



persons involved in theft of 2 ½ tonnes of iron rods worth Rs.75,000/- belong to NOCL company. He would further submit that the property has been recovered from the accused persons. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Cuddalore 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. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police 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.

-sd/-
28/06/2022

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 JUDICIAL MAGISTRATE,
NO.II, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CUDDALORE NT POLICE STATION,
CUDDALORE DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.C.VISHWANTH Advocate on payment of necessary
charges SR.NO.10172

CRL OP.14757/2022

Date :28/06/2022

JPA 29/06/2022