



WEB COPY



CrI.OP.No.16239 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

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

CrI.OP.No.16239 of 2022

Sahul Hammed

..Petitioner/A2

Vs.

State rep. by
The Inspector of Police,
K-1 Sembium Police Station,
Chennai.
(Cr.No.404/ 2022).

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in K-1
Cr.No. 404 of 2022 on the file of the respondent police.

For Petitioner : Mr.T.Vincent

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 30.05.2022 for the offence punishable under Sections 457



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and 380 of IPC in crime No.404 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 29.05.2022 at about 8.10 p.m., the *de-facto* complainant went to the Saloon nearby his house and when he returned home, he saw two persons running out of his house. He found that, by break opening the lock of the house, the accused persons stolen 19 ½ soverigns of gold ornaments kept in the berrow. Hence, the case.

3. There are two accused, in which the petitioner is arrayed as A2. On the confession of the A1, the petitioner is implicated as an accused. At the scene of crime, A1 left his cell phone and only on such evidence, A1 was arrested and remanded to judicial custody. Further, the entire property has been recovered from the petitioner.

4. Considering the above facts and circumstances of the case and also considering the period of incarceration from the date of arrest



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i.e., 30.05.2022, 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 V Metropolitan Magistrate, Egmore, 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 stay at Coimbatore and report before the Inspector of Police, Peelamedu Police Station, Coimbatore daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., until further orders.

[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.**



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State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
K-1 Sembium Police Station,
Chennai.
- 3.Central Prison-II,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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