



CrI.OP.No.20393 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2022

CORAM

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

CrI.OP.No.20393 of 2022

Gajavahanan

...Petitioner

Vs.

State represent by,
The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
Crime No.708 of 2022

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner/1st accused on bail in Crime No.708 of
2022 pending investigation, on the file of the respondent.

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 12.08.2022 for the offences punishable under **Sections 379
and 413 of IPC** in crime No.708 of 2022 on the file of the respondent
police, seeks bail.

2. The case of the prosecution is that the petitioner was found



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in possession of 3 ½ tonnes of theft iron plates. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in possession of 3 ½ tonnes of theft iron scraps worth about Rs.1,00,000/-. He further submitted that there is one previous case of similar nature pending as against the petitioner. Hence, he vehemently opposed for granting bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 12.08.2022, 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 sureties**, each for a like sum to the satisfaction of the



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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. 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.

29.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.II,
Cuddalore.
- 2.The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
- 3.Central Prison, Cuddalore .
- 4.The Public Prosecutor,
High Court of Madras

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