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Crl.O.P.No.21585 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21585 of 2022

1. Prabakaran @ Praba
2. Moorthi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Cuddalore O.T. Police Station,
Cuddalore District.
Crime No.728 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail, pending investigation of the case in
Crime No.728 of 2022 on the file of the respondent police.

For Petitioners : Mr.M.Vijayaragavan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Section 379 of IPC, in Crime No.728 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners committed theft of 1.5 tons of Iron scrap from the company premises of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false complaint has been given as against the petitioners. He would also submit that the petitioners are in custody from 22.08.2022. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners committed theft of 1.5 tons of Iron scrap from the company premises of the defacto complainant. He would



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also submit that the contraband has been recovered from the petitioners. He would further submit that the 2nd petitioner has got one previous case as against him. Therefore, he vehemently opposed to grant bail to the petitioners.

5. At this juncture, in reply, learned counsel for the petitioners would submit that the 2nd petitioner is regularly attending the Court in the previous case. Therefore, he prays for grant of bail to the petitioners.

6. Heard both the learned counsel and perused the materials available on record.

7. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail on their executing 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



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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 05.30 p.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. State of Kerala [(2005)AIR SCW 5560]**;



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

13.09.2022

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To

1. The Judicial Magistrate No-II,
Cuddalore.
2. The Inspector of Police,
Cuddalore O.T. Police Station,
Cuddalore District.
3. The Superintendent,
Sub Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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