



Crl.OP.No.21583 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2022

CORAM

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

Crl.OP.No.21583 of 2022

Palanivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
Crime No.257 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.257 of 2022 on the file
of the Inspector of Police, B-1, North Beach Police Station, Chennai.

For Petitioner : Mr.R.Mukesh Kannah

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2022 for the offences punishable under Section 379 of IPC, in Crime No.257 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.07.2022, the petitioner committed the theft of 110 kgs of crabs, worth about Rs.1,75,000/- intended for export. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given as against the petitioner. He would also submit that the defacto complainant without permission of the petitioner had left the items in front of his shop and there was a quarrel and a false complaint has been given as against the petitioner. Even as per the prosecution, the entire crabs have been recovered. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner committed theft of crabs worth about Rs.1,75,000/- intended for export. He would also submit that they have been recovered and that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also that the investigation has been completed and charge sheet has also been filed, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 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 as and when required;

[c] the petitioner shall not abscond either during trial;

[d] the petitioner shall not tamper with evidence or witness either during 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.

07.09.2022

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To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
3. The Central Prison-II,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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