



CrI.O.P.No.24248 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

CrI.O.P.No.24248 of 2022

C.Elumalai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Uthukkotai Police Station,
Tiruvallur District.
(Crime No.235 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.235 of 2022 on the file of the respondent Police.

For Petitioner : Mr.B.Gandhi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.08.2022, for the offences punishable under Section 379 of IPC (Pick Pocket), in Crime No.235 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused and the defacto complainant travelled in a bus near Uthukottai and the petitioner and the defacto complainant sitting nearby in the same row. At that time, the petitioner had committed theft of Rs.20,000/- from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the earlier application for bail in Crl.M.P.No.21195 of 2022 was dismissed by this Court 05.09.2022 and as on today, the petitioner is in custody for more than 70 days i.e., from



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01.08.2022. He would further submit that the investigation has not been completed. However, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is an habitual offender and he committed theft of Rs.20,000/- while he was traveling in a bus from the co-passenger. He would further submit that there are three previous cases pending against the petitioner and yet another case is registered under Section 302 of IPC. He would also submit that the investigation is still pending and the charge sheet has not been filed. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of



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incarceration suffered by the petitioner and also taking note of the fact that the charge sheet has not been filed in this case, this Court is inclined to grant bail to the petitioner with certain conditions.

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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Uthukottai, Tiruvallur District**, 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., 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;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

10.10.2022

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To

1. The District Munsif cum Judicial Magistrate,
Uthukottai, Tiruvallur District
2. The Inspector of Police,
Uthukkottai Police Station,
Tiruvallur District.
3. The Central Prison,
Puzhail, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA., J.

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