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Crl.O.P.No.23863 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.23863 of 2022

1.Muthu
2.Sakthivel

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
V-5, Thirumangalam Police Station,
Anna Nagar, Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioners on bail in connection Crime No.254 of
2022, pending on the file of the respondent Police.

For Petitioners : Mr.C.Prabakaran

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 11.09.2022, for the offences punishable under Sections 454 and



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380 of IPC in Crime No.254 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners trespassed into the house of the defacto complainant and committed theft of 8 cell phones and one laptop and fled away from the scene of occurrence. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that there is one previous case as against a1 and on suspicion, the respondent police harassed him and that he voluntarily surrendered before the respondent on 11.09.2022 and thereafter, he has been remanded to judicial custody. He would further submit that the petitioners are prepared to abide by any stringent conditions that may be imposed on them. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners trespassed into the house of the defacto complainant and committed theft of 8 mobile phones and one laptop. He would also submit that the laptop and 2 mobile phones were recovered and the remaining mobile phones are yet to be recovered. Therefore, he vehemently opposed to grant 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 including the First Information Report.

6. Taking into consideration 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 with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty**



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Five thousand only) with two sureties, each for a like sum to the satisfaction of the **learned XIII Metropolitan Magistrate Court, Egmore**, 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;

[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.

30.09.2022

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To

1. The XIII Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
V-5, Thirumangalam Police Station,
Anna Nagar, Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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