



Crl.O.P.No.25200 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

Crl.O.P.No.25200 of 2022

Maruthupandi

... Petitioner

Vs.

State Represented by,

The Station House Officer,
B-1, North Beach Police Station,
Chennai.

(Crime No.328 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner/Accused No.3 on Bail pending
Investigation/ Trial in Crime No.328 of 2022 on the file of the Respondent
Police.

For Petitioner : Mr.B.R.Sankara Lingam

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 14.09.2022, for the offences punishable under Sections 379 and 411 of IPC, in Crime No.328 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the first accused who had theft a mobile phone from the de-facto complainant and the petitioner has received the stolen property from the first accused. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner has purchased the phone from the first accused without knowing that it was a stolen phone. He would further submit that other than receiving the phone from A1, the petitioner has not committed any offence and he is in custody from 14.09.2022 and 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 is the habitual offender of receiving stolen property. He would further submit that the petitioner has received a phone from A1, which was stolen from the de-facto complainant. He would also submit that there are 4 previous cases pending as against the petitioner. Hence, 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.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, 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)** 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 daily at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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



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FIR can be registered under Section 229A IPC;

27.10.2022

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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