



Crl.O.P.No.25876 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

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

Crl.O.P.No.25876 of 2022

1. Dharmendarakumar

2. Rahulkumar

... Petitioners

Vs.

The State represented by,
The Sub-Inspector of Police,
Sriperumandur Police Station,
Kancheepuram District.
Crime No.597 of 2022

... Respondent

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

For Petitioners : Mr.R.Sasikumar

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 07.10.2022, for the offences punishable under Sections 120(B) and 381 of IPC, in Crime No.597 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Senthilvel, who is the Manager of the United Industries Plastic Pvt.Ltd is that, on 26.09.2022 some persons had attempted to steal poly cover materials from their godown. Based the said complaint, the case has been registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners were arrested on suspicion. A1 in this case was granted bail by the lower Court. He would further submit that the petitioners have been suffering incarceration from 26.09.2022. He would further submit that the petitioners are natives of Uttarpradesh and West Bengal respectively and they got permanent residence. He would further submit that either the petitioners' father or mother will stand as sureties to them. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, the petitioners along with other accused had attempted to commit theft of 700 kilos of poly cover material. Hence, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners 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 submission made by the learned counsel, the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties (one surety should be a blood related surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperumputhur** and on further conditions that:



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[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 petitioners shall report before the respondent police twice daily at 10.30 a.m., and 05.30.p.m., for a period of two weeks and thereafter report before the respondent police on every Saturday at 10.30.a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh
FIR can be registered under Section 229A IPC;

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Sma

To

1. The Judicial Magistrate,
Sriperumputhur.
2. The Sub-Inspector of Police,
Sriperumandur Police Station,
Kancheepuram District.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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