



Crl.O.P.No.26458 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.26458 of 2022

1.Dhanasekar

2.Senthil @ Senthil Kumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kondapalayam Police Station,
Ranipet District.

(Crime No.116/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.116 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.G.Somasekar

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 29.09.2022 for the offences punishable under Section 380 of IPC, in Crime No.116 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant K.Ramesh, who is a Security Officer in a Private Company is that the accused in the guise of scrap dealers entered into the Company and committed theft of valuable items worth about Rs.4,00,000/-. Hence the complaint.

3.The learned counsel for the petitioners would submit that they are innocent persons and there was a dispute with relating to dealing of scraps, a false complaint has been given against them. He would further submit even as per the prosecution, the alleged property is stated to have been recovered and as far as the petitioners are concerned, there is no previous case pending against them. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate would submit that the petitioners along with other accused entered into the factory premises of the



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defacto complainant under the guise of scrap dealers and committed theft of valuable items worth about Rs.4,00,000/-. He would further submit that alleged contraband has been recovered and there is no previous case pending against the petitioners. However, he opposed for grant of 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 submissions of the learned counsel and there is no previous case pending against the petitioners and the alleged contraband has also been recovered, 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 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 the **learned Judicial Magistrate, Sholinghur**, and on further



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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 petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of one month and thereafter, 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]**;

[f] If the accused thereafter absconds, a fresh



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FIR can be registered under Section 229A IPC;

01.11.2022

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To

- 1.The Judicial Magistrate,
Sholinghur.
- 2.The Inspector of Police,
Kondapalayam Police Station,
Ranipet District.
- 3.The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

Vkr



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