



Crl.O.P.No.28013 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

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

Crl.O.P.No.28013 of 2022

Shanmugam

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Puduchathiram Police Station,
Cuddalore District.

(Crime No.467 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.467 of 2022 for the offence under Sections 447, 395, 397 of IPC, on the
file of the respondent Police.

For Petitioner : Mr.J.Lingeswaran

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 23.10.2022, for the offences punishable under Sections 447, 395, 397 of IPC, in Crime No.467 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.10.2022, the petitioner along with the other accused trespassed into the premises of Nagarjuna Oil Corporation Limited and by attacking the security guards with iron rods and by threatening him at knife point, attempted to steal 6 tons of iron scrap worth about Rs.12 lakhs. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even the name of the petitioner does not find a place in the First Information Report and he has been arrested only based on the confession statements recorded from the other accused in Crime No.392 of 2022 registered on 07.08.2022 for the offences under Sections 454



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& 380 of IPC. He also submitted that the petitioner is in custody from 23.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner along with the other accused trespassed into the factory premises of Nagarjuna Oil Corporation Limited and by threatening the security guards at knife point, attempted to take away the 6 tons of iron scrap worth about Rs.12 lakhs. He further submitted that a case registered for the offence under Section 188 Cr.P.C is pending as against the petitioner, hence, he 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



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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.

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 the **learned District Munsif cum Judicial Magistrate, Portonovo (Parankipettai)**, 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, everyday at 10.30 a.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.

16.11.2022

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To

1. The District Munsif cum Judicial Magistrate,
Portonovo (Parankipettai).
2. The Inspector of Police,
Puduchathiram Police Station,
Cuddalore District.
3. The Central Prison, Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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