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Crl.O.P.No.6674 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

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

Crl.O.P.No.6674 of 2023

Ameer Abbas

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.

(Crime No.114 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.114 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Kalaiyaran

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 04.03.2023, for the offences punishable under Sections 454, 380 of IPC, in Crime No.114 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Ashok Kumar, is that on 16.02.2023, some unknown person had break opened his house and committed theft of 5 ¼ sovereigns of gold jewels, silver anklets and a sum of Rs.15,000/- from his house. Based on the complaint given by the de-facto complainant, a case in Crime No.114 of 2023 came to registered by the respondent police for the offences punishable under Sections 454 & 380 of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted even as per the complaint given by the de-facto complainant, the case has been registered against a unknown person and since the petitioner



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has got 2 previous cases, he has been falsely roped in this case. He also submitted that even as per the prosecution the stolen properties were recovered and also submitted that the petitioner has a permanent residence and he is ready to abide by any stringent conditions that may be imposed by this Court. He further submitted that the petitioner is in custody from 04.03.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that petitioner is a habitual offender, against whom, 2 previous cases of similar nature are pending. He further submitted that it is the case, where, the petitioner had committed theft of 5 ¼ sovereigns of gold jewels, silver anklets and a sum of Rs.15,000/- from the house of the de-facto complainant. He also submitted that the stolen properties were recovered and the major part of the investigation is over. He further submitted that the fingerprint left at the house of the de-facto complainant was matched to the fingerprint of the petitioner, therefore, the petitioner has been arrested in this case. Hence, he vehemently opposed for grant of bail to the petitioner.



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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 and circumstances of the case, the submissions made by either side, taking note of the fact that the stolen properties were recovered and also considering the period of incarceration undergone by this 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** (out of which, one shall be a blood related surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Ulundurpet**, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. and 6.30p.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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

24.03.2023

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To

1. The Judicial Magistrate No.II,
Ulundurpet.
2. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram.
3. The District Jail,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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