



Crl.O.P.Nos.6678, 6681, 6688, 6699 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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

Crl.O.P.Nos.6678, 6681, 6688 & 6699 of 2023

Afsar Hussain

... Petitioner in all Crl.O.Ps

Vs.

The State represented by,
The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.

... Respondent in Crl.O.P.No.6678 of 2023

The State represented by,
The Inspector of Police,
Thiruvannamalai Town Crime Police Station,
Thiruvannamalai District.

... Respondent in Crl.O.P.Nos.6681 & 6699 of 2023

The State represented by,
The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.

... Respondent in Crl.O.P.No.6688 of 2023



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COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail in Crime Nos.57, 32 47 and 31 of 2023 pending on the file of the respondent Police.

In all Crl.O.Ps.

For Petitioner : Mr.M.R.Thangavel
For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)

COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.02.2023 for the offences punishable under Sections 457 and 380 of IPC @ Sections 457, 380, 436 of IPC and Section 4 of TNPPDL Act in Crime No.57, 32, 47 and 31 of 2023, on the file of the respondent police, seeks bail.

2(i). The case of the prosecution in Crl.O.P.No.6678 of 2022 as per the defacto complainant is that some accused had broken the ATM at Polur at midnight and committed theft of Rs.19,22,700/- and mischief by fire with intent to destroy the ATM and caused damage. Hence the case.



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2(ii). The case of the prosecution in Crl.O.P.No.6681 of 2022 as per the defacto complainant is that some accused had broken the ATM at Thandrampet road at midnight and committed theft of Rs.31,13,900/- and mischief by fire with intent to destroy the ATM and caused damage. Hence the case.

2(iii). The case of the prosecution in Crl.O.P.No.6688 of 2022 as per the defacto complainant is that some accused had broken the ATM at Anna Nagar, Kalasapakkam at midnight and committed theft of Rs.2,40,400/- and mischief by fire with intent to destroy the ATM and caused damage. Hence the case.

2(iv). The case of the prosecution in Crl.O.P.No.6699 of 2022 as per the defacto complainant is that some accused had broken the ATM at Mariamman Kovil Street in Tiruvannamalai at midnight and committed theft of Rs.20,02,000/- and mischief by fire with intent to destroy the ATM and caused damage. Hence the case.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped in this case. He



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would further submit that the petitioner is native of Asam and he was working as a Tea Master in Hotel New Taj, at Kolar for the past two years and even on the alleged date of occurrence i.e., 12.02.2023, the petitioner was working in the same hotel. He would further submit that only on the request of the other accused, who are also hail from the same village in Assam, the petitioner has provided an accommodation for them and other than giving accommodation to the main accused in this case, without knowledge of the offences committed by them, the petitioner has not committed any offence. He would further submit that the petitioner was not aware of the antecedents of the other accused and he has not involved in the offence committed by other accused. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4.Learned Government Adovcate (crl.side) would submit that it is the case where the petitioner along with other accused have caused damage to the ATM machines and robbed an amount of Rs.19,22,700/- at Polur, Rs.31,13,900/- at Thandarampet Main Road, Rs.2,40,400/- at Anna Nagar, Kalasapakkam and Rs.20,02,00/- at Mariamman Kovil Street,



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Tiruvannamalai. He would further submit that the petitioner is known to the other accused and he had harboured the other accused after the occurrence. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

6. It is the case of the petitioner that the petitioner is a native of Asam and other than providing an accommodation to the other accused, he has not committed any offence and he was working on the same hotel on the date of occurrence.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand**



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only) with two sureties in each crime number, for a like sum to the satisfaction of the learned Judicial Magistrate, Polur, the learned Judicial Magistrate No.I, Tiruvannamalai, the learned District Munsif cum Judicial Magistrate, Kalasapakkam respectively 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 stay at Tiruvannamalai Town and report before the Inspector of Police, Tiruvannamalai Town Police Station, daily twice at 10.30 a.m and 6.30 p.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



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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.

27.03.2023

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To

1. The Judicial Magistrate,
Polur.
2. The Judicial Magistrate No.I,
Tiruvannamalai,
- 3.The District Munsif cum Judicial Magistrate,
Kalasapakkam.
- 4.The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
- 5.The Inspector of Police,
Thiruvannamalai Town Crime Police Station,
Thiruvannamalai District.
- 6.The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
7. The Central Prison,
Thorapadi, Vellore.
8. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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