

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.7599 of 2023

Jamaludeen

... Petitioner

Vs.

State rep. by  
The Inspector of Police,  
G-7 Chetpet Police Station,  
Chennai - 600 031.  
(Crime No.100 of 2022)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail pending trial in C.C.No.8764 of  
2022 on the file of Learned II Metropolitan Magistrate, Egmore, Chennai  
600 008.

For Petitioner : Mr.P.Prince Premkumar

For Respondent : Mr.C.E.Pratap  
Government Advocate (Crl.Side)

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 18.06.2022 for the offences punishable under Section 379 IPC in Crime No. 100 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Abishek Jacob is that the petitioner has stolen Rs.13 lakhs from his car, which was parked near Metha Hospital. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him by the defacto complainant. He further submitted that the petitioner has been detained under Act 14, pursuant to the order passed by the Commissioner of Police, Chennai dated 30.07.2022 and later, this Court has set aside the above detention order vide order dated 08.03.2023 in H.C.P.No.165 of 2022. He further submitted that the petitioner is right from the arrest on 18.06.2022, he is in judicial custody for more than 10 months. He also submitted that the investigation has been completed and charge sheet has also been filed in C.C.No.8764 of 2022 before the learned II Metropolitan Magistrate, Egmore, Chennai, which is pending for trial. He also submitted

that the mother of the petitioner shall stand as surety to him and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.The respondent has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has stolen Rs.13 lakhs from the car of the defacto complainant, which was parked near Metha Hospital. He further submitted that the petitioner has got several other cases against him. He also submitted that the investigation has been completed and final report has been filed before the learned II Metropolitan Magistrate, Egmore, Chennai in C.C.No.8764 of 2022. Hence, he opposed for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on 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.10,000/- (Rupees Ten Thousand only)** with **two sureties** each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore, Chennai - 8**, 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 **II Metropolitan Magistrate, Egmore, on all working days at 10.30 a.m., for a period of four weeks and thereafter, on the date fixed by the learned Magistrate concerned; The petitioner shall also report before the Inspector of Police, H-5, New Washermenpet Police Station, on every Saturday at 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 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.

**19.04.2023**

*vr*

To

- 1.The II Metropolitan Magistrate, Egmore, Chennai - 8.
- 2.The Inspector of Police,  
G-7 Chetpet Police Station,  
Chennai - 600 031.
- 3.The Inspector of Police,  
H-5, New Washermenpet Police Station,  
Chennai.
- 4.The Central Prison, Puzhal, Chennai.
- 5.The Public Prosecutor,  
High Court of Madras.

Crl.O.P.No.7599 of 2023

**A.D.JAGADISH CHANDIRA.,J.**

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**19.04.2023**

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