



Crl.O.P.No.7923 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

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Nijammuddin

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner in Crime No.31 of 2023 on the file of
Tiruvannamalai Town Police Station, Tiruvannamalai.

For Petitioner : Mr.R.Rafi Babu

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 05.03.2023, for the alleged offences punishable under Section 457, 380 @ 457, 380, 436 of IPC and Section 4 of TNPPDL Act, in Crime No.31 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution 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/- Hence, the case.

3. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, petitioner was in custody from 05.03.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) submitted that, petitioner along with other accused had broken the ATM at Mariamman



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Kovil Street in Tiruvannamalai at midnight and committed theft of Rs.20,02,000/-. He further submitted that co-accused in this case had been granted bail by this Court in Crl.O.P.Nos.6678, 6681, 6688 & 6699 of 2023. However, he prayed for dismissal of the petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. 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 condition.

7. 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 only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tiruvannamalai**, and on further conditions that:



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[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 and report before the Inspector of Police, Tiruvannamalai Town Police Station daily 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;

[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.

13.04.2023

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To
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1. Judicial Magistrate No.I, Tiruvannamalai
2. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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