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CrI.O.P.No.9255 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

CrI.O.P.No.9255 of 2023

Nijammuddin

... Petitioner

Vs.

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

(Crime No.57 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.57 of 2023 pending on
the file of the respondent Police.

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 10.03.2023 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 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that on 12.02.2023, some accused had broken the SBI ATM at Railway Station Road, Polur and committed theft of Rs.19,22,700/- and mischief by fire with intent to destroy the ATM and caused damage. Based on his complaint, the case in Crime No.57 of 2023 was registered for the offence under Sections 457 & 380 of IPC and later, during the course of investigation, the case was altered to one under Sections 457, 380, 436 of IPC and Section 4 of TNPPDL Act. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He would further submit that the petitioner is native of Karnataka and he is no way



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connected with the alleged offence as stated by the prosecution, whereas, he was falsely implicated in this case only based on the suspicion. He also submitted that similarly placed co-accused have been granted bail by this Court in Crl.O.P.No.6678 of 2023 vide order dated 27.03.2023. He further submitted that the petitioner is in custody from 10.03.2023 and he is also 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 Advocate (Crl.Side) submitted that it is the case, where, the petitioner along with other accused have caused damage to the SBI ATM machine at Railway Station Road, Polur and robbed an amount of Rs.19,22,700/- from it. He further submitted that investigation in this case is still pending, therefore, he opposed for grant of 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.



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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 conditions

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, Polur, Tiruvannamalai**, 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**, everyday at **10.30 a.m** and **6.30 p.m.**, until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

27.04.2023

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To

1. The Judicial Magistrate,
Polur, Tiruvannamalai.
2. The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
3. The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai.
4. The Central Prison, Vellore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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