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Crl OP No.10741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.OP. No. 10741 of 2023

Khudrath Pasha

... Petitioner

Versus

The State rep.by
The Inspector of Police,
Kalasapakkam, Police Station,
Tiruvannamalai District.
(Crime No.47 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.47/2023 pending
investigation on the file of the respondent.

For Petitioner : M/s.E.Sathiyaraj

**For Respondent :Mr.E.Raj Thilak,
Additional Public Prosecutor**



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.02.2023 for the offence punishable under Sections 457, 380 IPC r/w Section 457, 380 & 436 of IPC r/w Section 4 of TNPPDL Act, in Crime No.47 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner along with other accused had broken India-1 ATM at Anna Nagar, Kalasapakkam and committed theft of Rs.2,50,400/- and mischief by fire with intent to destroy the ATM. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, co-accused in this case was granted bail by this Court in Crl.O.P.Nos.6678, 6681, 6688 & 6699 of 2023. He had also submitted that the petitioner is in custody from 21.02.2023. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that petitioner along with other accused had broken India-1 ATM at Anna Nagar, Kalasapakkam and committed theft of Rs.2,50,400/- and mischief by fire with intent to destroy the ATM. He further submitted that, apart from this case, there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case, the period of incarceration and also considering that co-accused in this case was granted bail by this Court and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;

(a) the petitioner shall execute 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 Judicial Magistrate cum District Munsif Court, Kalasapakkam, Tiruvannamalai.

[b] 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.



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

10.05.2023

(sma/sha)



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SUNDER MOHAN, J

(sma)

To

- 1.The Judicial Magistrate cum District Munsif Court,
Kalasapakkam, Tiruvannamalai.
- 2.The Inspector of Police,
Kalasapakkam, Police Station,
Tiruvannamalai District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai

Crl.O.P.No. 10741 of 2023

10.05.2023