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Crl OP No.10762 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.OP. No. 10762 of 2023

1.Mohammed Aarif
2.Aajad

... Petitioners

Versus

State rep.by
The Inspector of Police,
Polur Police Station,
(Crime No.57 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioners pending investigation in Crime
No.57/2023 on the file of the respondent police.

For Petitioners : Mr.D.Balaji

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



Crl OP No.10762 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.02.2023 for the offence punishable under Sections 457, 380 IPC @ 457, 380, 436, 212 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 is that petitioners along with other accused had broken SBI ATM machine at No.95/A Railway Station Road, Polur and committed theft of Rs.19,22,700/- and also damaged the ATM machine.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that, co-accused in this case were granted bail by this Court in Crl.O.P.Nos.6678, 6681, 6688 & 6699 of 2023. He had also submitted that the petitioners are in custody from 18.02.2023. Hence, he seeks for grant of bail to the petitioners.



Crl OP No.10762 of 2023

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused damaged the SBI ATM machine at No.95/A Railway Station Road, Polur and committed theft of Rs.19,22,700/-. He further submitted that, apart from this case, there is no previous case pending against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.

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

(a) the petitioners 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 No.I, 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.



Crl OP No.10762 of 2023

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

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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Crl OP No.10762 of 2023



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Crl OP No.10762 of 2023

SUNDER MOHAN, J

(sma)

To

- 1.The Judicial Magistrate No.I,
Tiruvannamalai, Tiruvannamalai District.
- 2.The Inspector of Police,
Polur Police Station,
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai

Crl.O.P.No. 10762 of 2023

10.05.2023