

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2023

CORAM:

THE HON'BLE Mr.JUSTICE A.A.NAKKIRAN

Crl.O.P.No11342 of 2023

Tasleem Khan

... Petitioner

Vs.

The State Rep by,
The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.
Cr.No.57 of 2023.

... Respondent

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

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.04.2023 for the offences under Sections 457, 380 of IPC r/w 457, 380,

436 and 212 of IPC r/w Section 4 of TNPPDL Act in Crime No.57 of 2023, on the file of the respondent police respectively, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused had break open the SBI ATM at Thandrampet Road, Tiruvannamalai and committed a theft of Rs.19,22,700/- and also set fire on the ATM Machine with an intention to destroy the ATM and caused severe damage. Hence, the complaint.

3.Learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped into this case. He would further submit that the petitioner has given accommodation to the co-accused and also he dropped the accused in the bus stand. There is no allegation as against the petitioner as if he caused damages to the ATM Machine and also theft of cash and he is not aware of the ATM robbery and has not been involved in the said crime along with co-accused. He would also submit that the marriage arranged for the petitioner with one Rizwana Bano by the parents scheduled on 27.05.2023 and marriage invitation was also printed and distributed to their family members. While being so, the

respondent police arrested the petitioner on 16.04.2023 and remanded him into judicial custody. He would further submit that the co-accused were released on bail by this Court in Crl.OP.Nos.6678, 6681, 6688, 6699 of 2023 , 8614 and 8616 of 2023 and 10692 and 10741 of 2023 vide orders dated 27.03.2023, 21.04.2023 and 10.05.2023. The petitioner is ready to abide by any stringent condition that may be imposed by this Court. He would also submit that the petitioner has been suffering incarceration from 16.04.2023. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner along with other accused break open the ATM at various places and huge amount were involved in this case and also set fire to the ATM Machine with an intention to destroy the same and thereby, caused huge damage to the society. He would further submit that Rs.2,40,000/- was recovered from A1. Hence, he would vehemently oppose to grant bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner is prepared to deposit the document of original title deed of immovable property either belonging to himself or by his relatives or his friends worth about Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.57 of 2023, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall deposit the document of original title deed of immovable property either belonging to himself, or by his relatives or friends worth about Rs.1,00,000/- ((Rupees One lakh only) to the credit of Crime No.57 of 2023 and on such deposit, the petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with common sureties, 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 report before the Inspector of Police, Polur Police Station, Tiruvannamalai District everyday at 10.30.a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

18.05.2023

vga/vum

A.A.NAKKIRAN, J.

vga

To

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

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