



Crl.OP.No.11840 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11840 of 2023

A.Sabari

... Petitioner

Vs.

State Represented by
The Inspector of Police,
D-1, Triplicane Police Station,
Triplicane, Chennai.
Crime No.766 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.766 of 2022 pending on
the file of the respondent herein.

For Petitioner : M/s.D.Jayapriya

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



WEB COPY



Crl.OP.No.11840 of 2023

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 02.05.2023 for the offences punishable under Section 379 of I.P.C in Crime No.766 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Hanish Gokul, is that on 29.12.2022, some unknown person had committed theft of his mobile phone and a hand bag with a cash of Rs.1,500/-. Based on the complaint given by the *de-facto* complainant, a case in Crime No.766 of 2022 came to be registered by the respondent police for the offences punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with other accused has committed theft of the *de-facto* complainant's properties from his car. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.



Crl.OP.No.11840 of 2023

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the Respondent would submit that the petitioner along with other accused persons committed theft of a mobile phone and a cash of Rs.1,500/- with the hand bag from the *de-facto* complainant's car. There are three previous cases pending against him. He would further submit that the investigation is yet to be completed and if the Petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions:



WEB COPY



Crl.OP.No.11840 of 2023

(d) the Petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

(e) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(h) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

25.05.2023

Mpl/Jeni



WEB COPY



Crl.OP.No.11840 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

To

1. The II Metropolitan Magistrate, Egmore, Chennai
- 2.The Inspector of Police,
D-1, Triplicane Police Station,
Triplicane, Chennai.
- 3.The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.11840 of 2023

25.05.2023