



WEB COPY



Crl.O.P.No.12583 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2023

CORAM:

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

Crl.O.P.No.12583 of 2023

Lakshmanan

... Petitioner

/versus/

State Rep.by
Inspector of Police,
Thittacherry Police Station,
Nagapattinam.
(Crime No.130 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in connection with the Crime No.130 of 2023 on the file of the respondent police.

For petitioner : Mr.K.Pragadeesh Kumar

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl.Side)



Crl.O.P.No.12583 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.05.2023, in connection with Crime No.130 of 2023 registered for the offences under Sections 380 and 457 of IPC on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Baskaran is that the petitioner had broke open the door of his grocery shop and committed theft of Rs.2,000/- and some groceries worth about Rs.2,000/-. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the amount was recovered and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. He also submitted that the petitioner is in custody from 21.05.2023. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.12583 of 2023

WEB COPY

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner had broke open the door of grocery shop of the defacto complainant and committed theft of Rs.2,000/- and some groceries worth about Rs.2,000/-. He further submitted that one previous case is pending against the petitioner. He also submitted that the amount of Rs.2,000/- was recovered. However, 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.

6. Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel on either side and that the amount was recovered and also considering the period of incarceration undergone by the petitioner , this Court is inclined to grant bail to the petitioner.



CrI.O.P.No.12583 of 2023

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 II, Nagapattinam** 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 respondent Police everyday at 10.30 a.m., until further orders;

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

[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



WEB COPY



Crl.O.P.No.12583 of 2023

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.

07.06.2023

vkr

To

- 1.The Judicial Magistrate II, Nagapattinam
2. The Inspector of Police,
Thittacherry Police Station,
Nagapattinam.
- 3.The District Jail, Nagapattinam
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.12583 of 2023

A.D.JAGADISH CHANDIRA,J.

vkf

Crl.O.P.No.12583 of 2023

07.06.2023