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Crl.OP.No.15801 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.15801 of 2023

1.N.Javed Ansari

2.Rashid

...Petitioners

Vs.

The State Rep by its
The Inspector of Police,
Kedar Police Station,
Villupuram District.
(Cr.No.60 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioners/accused on bail for an alleged offence punishable under Section 379 on the file of the respondent in connection with the Crime No.60 of 2023.

For Petitioners : Mr.S.Ambedkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.05.2023 for the offence punishable under Section 379



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I.P.C. in Crime No.60 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners are falsely implicated as accused in Crime No.60 of 2023 for the offence under Section 379 I.P.C. on the basis of confession statement of co-accused. Petitioners are innocents. They are are in judicial custody from 18.05.2023. Therefore, he prays for grant of bail to the petitioners.

3.In response, the learned Government Advocate (Criminal Side) submitted that at about 07.30 p.m. on 01.04.2023, defacto-complainant found that remote radio unit was stolen Airtel tower near Gundalapuliyur Bus stop. On the basis of confession statement of first accused, these petitioners were arrested on PT warrant on 18.05.2023. Stolen property was recovered.

4.Considered the rival submissions and perused the records.

5.Considering the fact that stolen property was recovered,



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petitioners are in judicial custody from 18.05.2023, and that they are implicated on the basis of confession statement of co-accused, and also considering that substantial part of investigation might have been over by this time, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- each** (Rupees Ten Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Villupuram**, 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 petitioners shall report before the respondent Police daily at 10.30.a.m., until further orders.

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

[d] the petitioners shall not tamper with evidence



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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 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].

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

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To

1.The Judicial Magistrate No.2, Villupuram

2.The Inspector of Police,
Kedar Police Station,
Villupuram District.

3.Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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