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CrI.OP.No.21310 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.21310 of 2023

Sams Tabrez

...Petitioner

Vs.

The State Rep by
Inspector of Police,
C-3 Seven Wells police Station,
Chennai.
(Crime No.120 of 2023)
...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.120 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : M/s.R.Kannabiran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner , who was arrested and remanded to judicial custody on 25.08.2023 for the offences punishable under Sections 457 and 380 of IPC in Crime No.120 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case registered in Crime No. 120 of 2023 for the offences punishable under Sections 457 and 380 of IPC. Petitioner is in judicial custody from 25.08.2023. Thus, he prays for grant of bail.

3. Learned Additional Prosecutor opposes this petition, on the ground that, defacto complainant is running petty shop in the left side of his house. On 24.08.2023 at about 11.50.p.m., he closed his shop leaving and amount of Rs. 2,000/- along with one VIVI Y17 mobile phone. When he opened the shop by next day ie., on 25.08.2023 at about



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07.00.a.m., he found that the door was broken and also that, somebody has stolen the cash and cell phone. Therefore, this complaint was given. He further submitted that, stolen articles were recovered. He further submitted that, petitioner has no similar previous cases.

4. Considering the fact that, stolen articles were recovered and the petitioner has no similar previous case and having regard to the fact that, petitioner is in Judicial Custody from 25.08.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned VIII Metropolitan Magistrate George Town, Chennai** 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.00.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 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. VIII Metropolitan Magistrate George Town, Chennai
2. Inspector of Police,
C-3 Seven Wells police Station,
Chennai.
3. Puzhal Jail,
Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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