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CrI.OP.No.22600 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

**CrI.OP.No.22600 of 2023**

Shahnavas @ Vellaiyan  
S/o. Syed Shajakhan

...Petitioner

Vs.

State represented by,  
The Inspector of Police,  
Ammamet Police Station,  
Salem District.  
(Crime No.719 of 2023)

...Respondent

**PRAYER:**

Criminal Original Petition is been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.719 of 2023 pending on the file of the respondent.

For Petitioner : Mr.Sathish Krishnan

For Respondent : Mr.R. Kishore Kumar  
Government Advocate (Criminal Side)



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### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 17.08.2023 for the offence punishable under Sections 380 457 of IPC in Crime No.719 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is residing with his wife and is doing silk weaving business in his house for the past 30 years. On 12.08.2023, when the defacto complainant after taking sleeping pills was sleeping in his house, the petitioner went over to the house of the defacto complainant and removed the tiles and cell phone. Hence, the complaint.

3. The learned counsel 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 petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) stated that there are totally four accused in this case, in which, the petitioner is arrayed as A4. He further submitted that the petitioner along with other accused have trespassed into the house of the defacto complainant and removed the tiles and the cell phone. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the fact that there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Salem, 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 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 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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**C.V.KARTHIKEYAN. J.**

ata/mps

To

1. Judicial Magistrate, Salem

2. Central Prison,  
Salem.

3. The Public Prosecutor,  
High Court of Madras

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