



Crl.O.P.(MD) No.23632 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23632 of 2023

Shahul Hameed

... Petitioner/ Accused No.3

Vs

State Represented through
The Sub Inspector of Police,
Tallakulam Police Station,
Madurai City.
(Crime No.1309 of 2023)

... Respondent / Complainant

For Petitioner : Mr.S.M.A.Jinnah, Advocate
for Mr.S.Nihar Ali, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioner/ A3 in Crime No.1039 of 2023 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying



Crl.O.P.(MD) No.23632 of 2023

to grant an order of pre-arrest bail.

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2. The petitioner/Accused No.3, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 380, 454 and 457 of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.1039 of 2023 on the file of the respondent-Police.

3. The case of the prosecution is that the defacto complainant is the Tashildar in North circle, Madurai; that on 31.10.2023, 12,500 numbers of sarees and dhoties were kept in old Northern Treasury Office at Madurai Collectrate Office, which were provided by the Tamil Nadu Government to be distributed to family card holders in Ration Shops during the Tamilar Thirunal Thai Pongal Festival; that on 07.11.2023, when the Senior Revenue Inspector opened the store room, it was found that the locker was broken and all sarees and dhoties were stolen. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent-police submitted that the stolen properties were recovered from the accused persons. He further submitted that the investigation in this case is not yet



Crl.O.P.(MD) No.23632 of 2023

completed. Accordingly, he prayed to dismiss this Criminal Original Petition.

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6. Heard on both sides. This Court has perused the records.

7. In this case, except this petitioner, all the accused were arrested and properties were recovered from the accused. The petitioner is a load man. He has permanent residence. Further, the petitioner is holding the post of District Secretary in Madurai SDPI and he has deep roots in the Society. Hence, this Court is of the view that the possibility of absconding is very less.

8. Considering the above facts and circumstances of the case, the nature of the offence allegedly committed by the petitioner and the overt act attributed against the petitioner, this Court grants an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Madurai, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, in which one shall be the blood related surety, each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Madurai;



Crl.O.P.(MD) No.23632 of 2023

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(ii) The petitioner shall appear and sign before respondent Police, daily at 10.00 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make himself available for interrogation by police as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave Madurai City without the prior permission of the Jurisdictional Judicial Magistrate Court/Trial Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



Crl.O.P.(MD) No.23632 of 2023

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S.I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

To

1.The Judicial Magistrate No.II,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Sub-Inspector of Police,
Tallakulam Police Station,
Madurai City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.NIHAR ALI, Advocate (SR-18406[I] dated 28/12/2023)

ORDER
IN
CRL OP(MD) No.23632 of 2023
Date :28/12/2023



Crl.O.P.(MD) No.23632 of 2023

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