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Crl.O.P.No.1529 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

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

Crl.O.P.No.1529 of 2024

Mohamed Yasin S/o. Badusha

...Petitioner/Accused-2

Vs.

State represented by
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

(Crime No.2 of 2024)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.2 of 2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A2 in Crime No.2 of 2024, registered by the respondent for the offences under Section 381 of IPC, seeks bail. The petitioner had been remanded to custody on 03.01.2024.

2.It is stated that on 24.12.2023, there was a theft of 20 solar panels and six electrical motors in the factory premises of the defacto complainant.

3.The learned counsel for the petitioner stated that it was A1 who had stolen the said goods but A2/the petitioner herein only gave his vehicle. The total loss for the Company is Rs.1,75,000/- and the properties had been recovered but giving some leverage for damage of the solar panels as a minor condition, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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 Judicial Magistrate, Rasipuram, 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 deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.2 of 2024 before the Judicial Magistrate, Rasipuram, on or before 16.02.2024 and on such deposit, the Judicial Magistrate, Rasipuram, may hand over the said amount to the defacto complainant. The defacto complainant may receive the amount without prejudice to seek further damages or compensation on conclusion of trial or through separate proceedings. It is also made clear that by such deposit the petitioner has not admitted to his guilt of the offences.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] 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].

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

29.01.2024

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To

- 1.The Judicial Magistrate, Rasipuram.
2. The Superintendent, Central Prison, Salem.
- 3.The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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