



Crl.O.P.No.11167 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Crl.O.P.No.11167 of 2024

Babu @ Auto Babu

...petitioner

Vs.

State represented by
The Inspector of Police,
C-5 Kothavalchavadi Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.42 of 2024 on the file of the respondent Police.

For petitioner : Mr.V.Karthick

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.04.2024 for the offences under Sections 380, 457 of IPC in Crime No.42 of 2024 on the file of the respondent, seeks bail.



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2.The case of the petitioner is that the petitioner along with the other accused trespassed into the defacto complainant's shop and stolen 47 bags of rice and a cash of Rs.1,00,000/-. Hence this petition.

3.It is stated by the learned Government Advocate (crl.side) that the petitioner is arrayed as the fourth accused. Out of Rs.1,00,000/-, a sum of Rs.15,300/- was recovered. No previous case is pending against the petitioner.

4.The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case.

5.Taking the period of incarceration into consideration and also the fact that no previous case is 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 VIII Metropolitan Magistrate, George Town at Chennai and on further conditions that:



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[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 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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K. KUMARESH BABU. J.

gsk

To

- 1.The VIII Metropolitan Magistrate, George Town, Chennai.
2. The Central Prison, Puzhal-II.
- 3.The Inspector of Police,
C-5 Kothavalchavadi Police Station,
Chennai.
- 4.The Public Prosecutor, High Court of Madras.

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