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Crl.O.P.No.12944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

CORAM

THE HON'BLE MR. JUSTICE S. SOUNTHAR

Crl.O.P.No.12944 of 2024

Surya Prakash

...Petitioner

Vs.

State represented by
The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur City.
(Crime No.262 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.262 of 2024 on the file of the respondent Police.

For petitioner : Mr.S. Raj

For Respondent : Ms.Inshiya Farveen Iqbal
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 29.04.2024 for the offences registered by the respondent Police under Sections 457 and 380 of IPC in Crime No.262 of 2024, seeks bail.



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2.The case of the prosecution is that the defacto complainant lost his Samsung M055F/DS cell phone worth about Rs.5,000/- in Jayarathna Export Company, where he is working as a driver. Hence, the complaint.

3.The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. He also stated that the petitioner is ready to abide by any condition that may be imposed by this Court and he is in judicial custody from 29.04.2024. Hence, he prays for grant of bail.

4.The learned Government Advocate (crl.side) stated that the stolen property was recovered. However, she opposed for grant of bail to the petitioner.

5.Taking all the factors into consideration and the period of incarceration and also of the fact that the stolen property was recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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6. Accordingly, the petitioner is ordered to be released on bail on executing 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 No.II, Tiruppur 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 on every Saturday at 10.30 a.m., for a period of six weeks.

[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



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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.

30.05.2024

smn

To

1. The Judicial Magistrate No.II, Tiruppur
2. The Sub Jail, Tiruppur.
3. The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur city.
- 4.The Public Prosecutor, High Court of Madras.



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S. SOUNTHAR, J.

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