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CRL O.P. No.21807 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.21807 of 2024**

1.Shadab  
2.Allauddin  
3.Irfan

... Petitioners / Accused 1 to 3

Vs

State rep. by  
The Inspector of Police,  
Gummudipoondi Police Station,  
Thiruvallur District.

(Crime No.364 of 2024)

... Respondent

**PRAYER:** - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.364 of 2024, on the file of the respondent.

For Petitioners : Mr.S.Ranjithkumar

For Respondent : Mr.S.Vinothkumar  
Government Advocate  
(Criminal Side)



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## **ORDER**

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The petitioners, who were arrested and remanded to judicial custody on 15.06.2024 for the offences punishable under Section 379 of IPC, in Crime No.364 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 29.04.2024 at about 12.30 p.m., the defacto complainant has withdrawn a sum of Rs.3,00,000/-from the State Bank of India, Bazar Road Branch, Gummidipoondi and kept the same in the front cover of the two-wheeler, at that time, the petitioners have stolen the amount from the defacto complainant's two-wheeler. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that petitioners were in custody from 15.06.2024. He would also submit that investigation has been completed and charge sheet has also been filed and the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners were found in theft of Rs.3,00,000/- from the defacto complainant's bike. He would further submit that there are one previous case against the petitioners and the amount was not recovered from the accused. He would further submit that investigation has been completed and charge sheet has also been filed. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that investigation has been completed and charge sheet has been filed and that though the petitioners are having one previous case, they have been released on bail in that case and also considering the number of days of incarceration undergone by the petitioners and all other aspects, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Gummidipoondi**, and on further conditions that;

**[b] the Petitioners shall report before the jurisdictional Judicial Magistrate on all working days at 10.30 a.m., until further orders.**

[c] the Petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioners 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 from disclosing such facts to the Court or to any police officer;

[e] the Petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The District Munsif cum Judicial Magistrate, Gummidipoondi.
- 2.The Inspector of Police,  
Gummudipoondi Police Station,  
Thiruvallur District.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor, High Court, Madras.



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**P.DHANABAL,J.**  
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