



WEB COPY



Crl.O.P.No.21493 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21493 of 2024

Mohamed Sagim

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur.
(Crime No. 203 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 203 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Selvakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.04.2024, for the alleged offence punishable under Section 379 of IPC,
in Crime No.203 of 2024, on the file of the respondent police, seeks bail.



CrI.O.P.No.21493 of 2024

WEB COPY

2. The case of the prosecution is that the defacto complainant parked his two-wheeler in front of his company. When the defacto complainant returned from Tiruppur, on 10.03.2024 at about 10.00 p.m., he found his two-wheeler missing. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He has not committed any offence as alleged in the FIR. He further submit that the alleged date of occurrence is on 04.03.2024 an the petitioner was remanded to judicial custody on 15.04.2024. He further submit that the petitioner is in judicial custody for more than 140 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



Crl.O.P.No.21493 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the petitioner had committed the theft of the two wheeler parked by the defacto complainant. He further submitted that the property was recovered from the petitioner. He further submit that the petitioner has 10 previous cases, similar in nature, pending against him. He further submit that the investigation was completed and the charge sheet has also been filed. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, and also considering the period of incarceration undergone by the petitioner, property was already recovered, and also considering that though the petitioner has 10 previous cases, in some of the cases, he was acquitted and in all other cases, he has been released on bail, investigation was completed and the charge sheet was also filed and also considering all others



Crl.O.P.No.21493 of 2024

factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate No.3, Tiruppur, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, everyday at 10.30 a.m, for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed



CrI.O.P.No.21493 of 2024

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 269 BNS.

04.09.2024

drl

To

- 1.The Judicial Magistrate No.3,
Tiruppur.
- 2.The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.21493 of 2024

drl

Crl.O.P.No.21493 of 2024

04.09.2024