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CrI.O.P.No.24551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

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

CrI.O.P.No.24551 of 2024

Hajmeer Haja Sherif

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Neravy Police Station,
Karaikal District.
(Crime No. 14 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.14 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S. Vinoth Kumar

For Respondent : Mr.SK.S.Mohandas,
Public Prosecutor, Puducherry
assisted by Mrs.N.Dhanalakshmi
Government Advocate, Puducherry.

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.08.2024, for the alleged offence punishable under Sections 457,380,



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212, 414 r/w 34 of I.P.C, in Crime No.14 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.02.2024, while the defacto complainant sent his daughter to Dubai and upon returning home from the Airport, he found that his house door was broken and 20 sovereigns of the gold articles worth about Rs.5,00,000/- were stolen. 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. He has not committed any offence as alleged in the FIR. He further submits that the co-accused were already released on bail by this Court. He would further submit that the petitioner was arrested and is in judicial custody for more than 70 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Puducherry) appearing for the respondent police submitted that on the date of the alleged occurrence, the



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petitioner along with other accused have stolen 20 sovereigns of the gold articles worth about Rs.5,00,000/- from the house of the defacto complainant and the petitioner has 13 previous cases, pending against him. Hence, 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 nature of offence, and considering the period of incarceration undergone by the petitioner, though the petitioner has 13 previous cases, in all the cases, he has been released on bail, co-accused was also released on bail, and also considering all others 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 learned Judicial Magistrate Court No.I, Karaikal, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional



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Magistrate, on all working days at 10.30 a.m., until further orders.

[b] the Petitioner 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;

[c] the Petitioner 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;

[d] the Petitioner shall not abscond 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 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]; and



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

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drl

To

- 1.The Judicial Magistrate Court No.I, Karaikal
- 2.The Station House Officer,
Neravy Police Station,
Karaikal District.
- 3.The Superintendent,
Sub Jail, Karaikal
- 4.The Public Prosecutor,
Puducherry.

P.DHANABAL, J.



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