



WEB COPY



CrI.O.P.No.28419 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.28419 of 2023

Nooruddin

... Petitioner

Vs.

The State represented by
The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.

Crime No.233 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.233 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.P.Veeranarayana

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 26.11.2023 for the offences under Sections 379, 419, 465, 468, 471 and



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420 of IPC and subsequently, altered to Sections 201, 379, 419, 465, 468, 471 and 420 of IPC, in Crime No.233 of 2023 on the file of the respondent Police, seeks bail.

2.It is the case of the prosecution that the defacto complainant had lost his mobile phone on 19.11.2023 and subsequently, found that amount have been withdrawn from his bank account and 6 i-phones have been purchased. On investigation, it was found that this petitioner has used the mobile phone of the defacto complainant and had transferred the amount from the account of the defacto complainant.

3.It is stated that the entire stolen properties have been recovered.

4.Taking into consideration the period of incarceration and also of the fact that the investigation has been practically completed, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 XVI Metropolitan Magistrate, George Town, Chennai and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb



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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 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.

05.01.2024

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C.V.KARTHIKEYAN, J.

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To

- 1.The XVI Metropolitan Magistrate, George Town, Chennai.
- 2.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
- 3.The Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

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