



Crl.O.P.No.5627 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5627 of 2025

Shamshad

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Ulundurpet Police Station,
Kallkurichi District.
(Crime No.72 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.72 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 23.10.2024, seeking bail in Crime No.72 of 2023 registered for the offence under Section 379 of IPC [303 of BNS]



Crl.O.P.No.5627 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner along with other accused committed theft of Copper Coil and insulation oil belonging to TNEB Kumaramangalam. Hence, the case.

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 further submitted that the petitioner is in custody from 23.10.2024 and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the stolen articles are yet to be recovered. He further submitted that there are 22 previous cases against the petitioner and in those cases, he is on bail.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



Crl.O.P.No.5627 of 2025

WEB COPY

6. Considering the nature of allegation, petitioner is on bail in other cases and that since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate I, Ulundurpet, Villupuram** 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, 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;



CrI.O.P.No.5627 of 2025

WEB COPY

[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 269 B.N.S.

28.02.2025

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CrI.O.P.No.5627 of 2025

WEB COPY

To

1. Judicial Magistrate No.I, Ulundurpet, Villupuram.
2. The Station House Officer,
Ulundurpet Police Station,
Kallkurichi District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.5627 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.5627 of 2025

28.02.2025