



Crl.O.P.No.725 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.725 of 2025

Abjul Sekh

...Petitioner/Accused 3

Vs.

State rep by
The Inspector of Police,
Thiruppapuliur Police Station,
Cuddalore District.

(Crime No.510 of 2013)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in C.C.No.10 of 2018 on the file of the Judicial Magistrate Court No.III, Cuddalore.

For Petitioner : Mr.R.Thamaraiselvan

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



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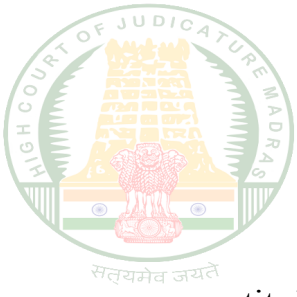
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ORDER

Though the earlier bail petition of the petitioner was dismissed on 12.12.2024 by my learned predecessor, Hon'ble Justice T.V.Thamilselvi, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

2.This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 06.11.2023, seeking bail in C.C.No.10 of 2018 on the file of the Judicial Magistrate Court No.III, Cuddalore, for the offence under Sections 457 and 380 of IPC.

3.It is the case of the prosecution that the defacto complainant is working as a Manager in Vishal Automobile Hero Motor Corp. Company at Cuddalore; that on 11.10.2023, the defacto complainant had closed his shop and on the next day, when he opened the shop he found a sum of Rs.2,91,720/- was missing and the CCTV footage revealed that the



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petitioner along with the other accused had committed theft of Rs.2,91,720/- along with one sovereign gold coin from the shop. Hence, the case.

4.The learned counsel for the petitioner would submit that though the petitioner has four previous cases, he is on bail all those cases and considering the continuous period of incarceration from 06.11.2023, he may be released on bail. He would further submit that in one previous case, this Court had granted bail to the petitioner in Crl.O.P.No.25624 of 2024 by order dated 07.11.2024.

5.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that this is the fifth bail application and he also fairly submitted that though there was a direction to the Trial Court to complete the trial in the earlier order, the trial is yet to commence.

6.Heard the learned counsel on either side and perused the materials available on record.



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7.It is seen that the earlier bail application filed by the petitioner was dismissed by this Court on 12.12.2024 with a direction to the Trial Court to dispose of the case within a period of three months. However, the trial is yet to commence.

8.Considering the aforesaid facts and since the petitioner cannot be incarcerated indefinitely, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions:

9.Accordingly, the petitioner is ordered to be released on bail on their 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 **Judicial Magistrate No.III, Cuddalore**, 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;



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[b] the petitioner shall report before the Trial Court 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 269 B.N.S.

27.03.2025

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SUNDER MOHAN, J.

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Copy to:

- 1.The Inspector of Police,
Thiruppapuliur Police Station,
Cuddalore District.
- 2.The Judicial Magistrate No.III, Cuddalore.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.

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