

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6897 of 2020

1. Mr.V.Ponnusamy

2. Mr.Yasin

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
B-4, Sevvapet Police Station,
Thiruvallur District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.46 of 2020 on the file of respondent Police.

For Petitioners : Mr.K.Asokan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 381 and 454 of I.P.C. in Crime No.46 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the defacto complainant's company had manufactured the fuel pumps and the petitioners, who are the employee under the company had committed the theft of pumps from the factory. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case due to labour dispute. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners were theft the fuel pumps from the factory and the

acts of the petitioners was recorded in the CCTV footage. Hence he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case and the submissions made by the counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:-

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate No.II, Thiruvallur, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners and 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.

[c] the petitioners shall report before the respondent police daily at 10.30a.m., until further orders

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
07/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,
THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
B-4, SEVVAPET POLICE STATION,
THIRUVALLUR DISTRICT

+1 CC to M/S. K.ASOKAN Advocate on payment of necessary charges SR.NO.6180

CRL OP.6897/2020

Date :07/09/2020

GKS:17/09/2020