

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.18883 of 2020

G.Kannan

... Petitioner

Vs.

State Represented by,

The Inspector of Police,

C-5, Vengal Police Station,

Thiruvallur District.

(Cr.No.2147 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.2147 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.K.R.Harin

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 380 of IPC in Crime No.2147 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant Sundar Rajan is that he is working as a Layson Officer in Agni Tech Industries and that during inspection on 17.11.2020, it was found that 1900 meters of Copper Cable wire worth about Rs.20,00,000/- was missing.

3. The learned counsel for the petitioners would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner was earlier dealing with

the Company in respect of taking scrap materials viz., fiber glass mat, foam, resin pasta and other cotton waste materials, since the petitioner is in the business of Foam. He would submit that the petitioner was the contractor in the *de facto* complainant's Company between 16.10.2020 and 23.10.2020 and other than the scrap materials mentioned in the agreement, he has not taken anything. The petitioner was called for enquiry on suspicion and the petitioner had appeared before the respondent on 19.11.2020, 21.11.2020 and 22.11.2020 and since the petitioner was made to wait in the police station unnecessarily, he has filed the present petition seeking anticipatory bail. He would submit that the name of the petitioner does not find a place in the FIR and even no murmur has been made against the petitioner and that the petitioner is a business man, he is prepared to abide by any stringent condition imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that on the complaint given by the *de facto* complainant, the case has been registered for the offence under Section 380 IPC in respect of theft of 1900 meters of copper wire worth about Rs.20,00,000/-. He would submit that the investigation is pending and that the petitioner had appeared before the respondent on three occasions.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate-I, Thiruvallur, on condition that the petitioner shall 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 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:

[a] the petitioner 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.

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of ten (10) days and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/12/2020

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-I, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-5, VENGAL POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.K.R.HARIN Advocate on payment of necessary charges
SR.NO.8629

CRL OP.18883/2020

Date :23/12/2020

GKS:04/01/2021