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CrI.OP.No.15396 of 2022

CrI.O.P.No.15396 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 380 IPC in Crime No.283 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. There are totally three accused in this case, in which the petitioner is arrayed as A1. The case of the prosecution is that the petitioner is the defacto complainant's employee, who along with other employees went to work in the morning on 02.06.2022. The very next day, the defacto complainant noticed that M.S Plates measuring a total quantum of 85 tonnes out of 192 tonnes worth about Rs.61,73,505/- were missing. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is working as a



Crl.OP.No.15396 of 2022

WEB COPY

Supervisor in the company and due to rival in business, he has been falsely implicated in this case and that too on the basis of confession statement of the co-accused. Furthermore, accused/A2 and A3 were arrested and released on bail and the stolen materials have been recovered by the respondent police. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused person has stolen M.S Plates measuring a total quantum of 85 tonnes out of 192 tonnes worth about Rs.61,73,505/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the stolen materials have already been recovered by the respondent police, 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 days



Crl.OP.No.15396 of 2022

from the date on which the order copy made ready, before the learned Judicial Magistrate-2 Court, Ponneri 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 daily at 10.30 a.m. for a period of two weeks 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.



Crl.OP.No.15396 of 2022

G.K.ILANTHIRAIYAN, J.

Anu

[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.

05.07.2022

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Crl.O.P.No.15396 of 2022