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Crl.O.P.No.16974 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 407, 420, 465, 468, 471, 381, 419 IPC in Crime No.164 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant while working as a plant head in AM/NS India Company at Orgadam, the petitioners and other accused persons colluded with each other, fabricated false bills and stolen around 6 Iron Coils by three lorries and sold out the same to the scrap shop. Hence the complaint.

3. The learned counsel for the petitioners submitted that no allegation as against these petitioners in the FIR and the investigation has been completed and the said property was also recovered. He further submitted that all other co-accused were released on bail. Therefore, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.16974 of 2022

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4. The learned Additional Public Prosecutor submitted that the petitioners and along with other accused have stolen the said property by creating forged documents and sold the said property to the scrap shop. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are totally thirteen accused in this case in which, the petitioners are arrayed as A12 and A13 and the main accused were arrested and released on bail further, the entire property was recovered from the accused persons. As far as the petitioners are concerned, they are also friends of other accused persons.

6. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sriperumbudur, on condition that the



CrI.O.P.No.16974 of 2022

petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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.

[b] the petitioners shall report before the respondent police daily Morning at 10.30 a.m for a period of four weeks thereafter as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



CrI.O.P.No.16974 of 2022

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 229A IPC.

21.07.2022

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