



Crl.O.P.No.18097 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 454 and 380 IPC in Crime No.79 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with A1 and A2 broken the lock and trespassed into the defacto complainant's Printing Press namely M/s.Alpha Machinery and looted 31 printing machines worth about Rs.3 Crore and further, they damaged the said premises. Hence the complaint.

3. The learned counsel for the petitioners would submit that the respondent police without verifying the documents and other material evidence, registered false case against the petitioners. He would further submitted that the petitioners are ready and willing to abide any condition imposed this Court. Therefore, he prays to grant anticipatory bail to the petitioners.



CrI.O.P.No.18097 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused trespassed into the defacto complainants press, damaged and looted the printing machines worth about Rs.3 crore. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that the due to Covid-19 pandemic situation the defacto complainant could not run the machinery. While that being so, without informing to the defacto complainant, with the help of A3 and A4 namely the petitioners herein entered into the machinery and taken away 31 printing machines worth about Rs.3 crore. It is also seen that there was suit between the defacto complainant and A1 in O.S.No.257 of 2012.

6. According to the petitioner, the A1 and A2 as well as the defacto complainant are business partners and they had taken the premises for lease. Thereafter, the defacto complainant entered into a compromise agreement with the landlords thereby agreed to vacate the



CrI.O.P.No.18097 of 2022

premises. On the same day, the defacto complainant vacated the premises and handed over the keys to the petitioners. It is seen that there is dispute between the defacto complainant and A1 and A2. Therefore, the petitioners are nothing to do with the alleged offence.

7. In view of the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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-I, Poonamalle, on condition that the 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



Crl.O.P.No.18097 of 2022

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 at 10.30 a.m. for a period of two weeks and 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



Crl.O.P.No.18097 of 2022

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

03.08.2022

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G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.18097 of 2022

Crl.O.P.No.18097 of 2022

03.08.2022