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CrI.O.P.No.25905 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 452, 323, 427, 381, 211 and 506(i) of IPC in Crime No.275 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant is engaged in production of car key sets to Hyundai and Kia car companies. It was found that the employees of the Company have committed theft of car keys from the period 01.07.2022 to 15.08.2022 and the value was around Rs.2 Crores. While so on 16.09.2022, a mob of 50 persons trespassed in to the Company premises and entered into a wordy quarrel with the *de-facto* complainant's Company officials. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a practising advocate and the legal advisor of the Company.



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The *de-facto* complainant, who is the Manager of the Company had misbehaved with one of the women staff and the petitioner though being the legal advisor of the Company had helped the lady to file a complaint before the All Women Police Station, Thiruvallur and it was enquired in C.S.R.No.283 of 2022. The *de-facto* complainant fearing that the petitioner and the other employees are behind the complaint have given a false complaint that some keys were stolen from the Company. He would further submit that 2 other employees of the Company were arrested and enlarged on bail by the learned Judicial Magistrate-II, Thiruvallur. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is an advocate of the other accused and he had instigated the accused to commit theft of keys from the Company and when it was questioned, he had taken about 50 persons and threatened the *de-facto* complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 from the date on which the order copy made ready, before the **learned Judicial Magistrate - II, Poonamalle**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

01.11.2022

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