



Crl.O.P.No.25981 of 2022

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 381 of IPC, in Crime No.61 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Ansukumar is that he is the Manager in M/s. Shree Balaji Steels Industries and that on 05.03.2022, he has found that the accused who were working in their factory, over a period of 6 months committed theft of iron rods and scraps to the value of 70 tonnes. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to labour dispute, a false complaint has been given. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and that the petitioner is ready to appear before the respondent police and co-operate for investigation and in order to show his bonafide,



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the petitioner is prepared to deposit 2 original title deeds of immovable property belonging to his wife registered vide documents dated 25.02.2022 and 08.03.2022 at Bihar to the credit of Crime No.61 of 2022 and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner had committed theft of 70 tonnes of scraps and iron rods from the factory of the *de-facto* complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel appearing for the intervenor would submit that the accused have colluded together and as of now, 70 tonnes were found to be stolen by the petitioner. He would further submit that the investigation is going on and seems that the accused have committed theft of more scrap from the factory. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



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6. Heard the learned counsel. Perused the materials available on record. Taking into consideration the facts and circumstances of the case and also the undertaking given by the petitioner to deposit 2 original title deeds of immovable property belonging to his wife registered vide documents dated 25.02.2022 and 08.03.2022 at Bihar to the credit of Crime No.61 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit 2 original title deeds of immovable property belonging to his wife registered vide documents dated 25.02.2022 and 08.03.2022 at Bihar to the credit of Crime No.61 of 2022 and on such deposit, 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 **Judicial Magistrate Court at Gumudipoondi**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (one among the sureties shall be a blood surety) each for a like sum to the satisfaction of the respondent



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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 four 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



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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.

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