



Crl.O.P.No.26581 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 Sections 447, 395, 397 of IPC in Crime No.467 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 22.10.2022, the petitioner along with the other accused trespassed into the premises of Nagarjuna Oil Corporation Limited and by attacking the security guards with iron rods and by threatening him at knife point, attempted to steal 6 tons of iron scrap worth about Rs.12 lakhs. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been implicated only based on the confession statement of the arrested accused. Even as per the prosecution, the property stated to have been robbed, has also been recovered. He would further submit that arrested accused in this case had been granted bail by this Court in Crl.O.P.No.28013 of 2022.Hence, he seeks for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (CrI. Side) would submit that, he petitioner along with the other accused trespassed into the premises of Nagarjuna Oil Corporation Limited and by attacking the security guards with iron rods and by threatening him at knife point, attempted to steal 6 tons of iron scrap worth about Rs.12 lakhs. He would further submit that stolen property has been recovered and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also considering that the property has been recovered and also considering that co-accused had been enlarged on bail, this Court is inclined to grant anticipatory bail 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, Cuddalore** 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.

[b] the petitioner shall report before the respondent police daily 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]**.

A.D.JAGADISH CHANDIRA,J.



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

16.11.2022

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