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Crl.O.P.No.27018 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 Section 379 of IPC in Crime No.611 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner committed theft of Crane Hyder 14 Ton NL – 01 - G – 5870 Yellow colour model 2010 – Diesel vehicle belonging to the *de-facto* complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person. He would submit that there was an agreement between the petitioner and the *de-facto* complainant in respect of selling a crane and the petitioner had also paid the entire amount, whereas the *de-facto* complainant was refusing to hand over the original documents. In respect of which a complaint has been given by the



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petitioner and enquiry was also conducted in C.S.R.No.438 of 2022, whereas suppressing the same, the *de-facto* complainant has given a false complaint as if the crane was stolen by the petitioner. He would further submit that the crane, which was in the custody of the petitioner has been recovered and now, under the threat of arrest, the *de-facto* complainant is attempting to evade the settlement. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner committed theft of Crane Hyder 14 Ton NL – 01 - G – 5870 Yellow colour model 2010 – Diesel vehicle belonging to the *de-facto* complainant. The property has been recovered from the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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.



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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, Poonamallee**, 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 everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.



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[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.

25.11.2022

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