



Crl.O.P.No.28303 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 379 of IPC in Crime No.490 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant General Manager, Human Resources and Corporation Department of M/s. Ashok Leyland Company is that, the accused had attempted to commit theft of 4.40 tonnes of iron scrap from the defacto complainant's company in a lorry bearing Reg.No.TN 23 AH 6977. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the lorry and hence he has been falsely implicated in this case. Therefore, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would 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.

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5. Taking into consideration of the facts and circumstances of the case and also considering that the stolen property has been recovered, 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, Thiruvottriyur** 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



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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 daily 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 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.

21.11.2022

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