



Crl.O.P.No.28602 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.359 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Burhan who is the Owner of Taiyeby Machinery Stores is that the petitioner is working in his shop and the defacto complainant had directed the petitioner to deliver the Power Tools worth of Rs.1,15,000/- to one Ambika Traders and after making delivery, the petitioner received the said amount and taken away the same. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to money dispute, a false complaint has been given against the petitioner. He would further submit that the petitioner has settled the amount to the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is working in the shop of the defacto complainant. The defacto complainant had directed the petitioner to deliver the Power Tools worth of Rs.1,15,000/- to one Ambika Traders and after making delivery, the petitioner received the said amount and taken away. He would further submit that there is no previous case pending against him. Hence, he opposed for granting anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. 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 Metropolitan Magistrate No.VII, George Town, Chennai, 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., 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;

22.11.2022

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