



Crl.O.P.No.29532 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 offence punishable under Section 380 of IPC in Crime No.180 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Nagaraj is that he is working as a Security in A.S.L Company, Gummidipoondi SIPCOT. On 23.09.2022 at about 7.00 a.m., while he was on duty, the petitioner along with two accused were committed theft of M.S.Iron Rod of seven numbers, which was approximately 100 Kgs. By seeing the de facto complainant, the accused were escaped from the scene of occurrence. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that there is no previous case pending against the petitioner. He would further submit



Crl.O.P.No.29532 of 2022

that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioner along with other accused were committed theft of M.S.Iron Rod of seven numbers, which was approximately 100 Kgs. He would further submit that A1 in this case has been arrested and still is in Judicial Custody and in respect of the petitioner/A3, there is no previous case pending against him. However, he vehemently opposed for grant of anticipatory bail to the petitioner/A3.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.29532 of 2022

WEB COPY

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 District Munsif-cum-Judicial Magistrate, Gummidipoondi** 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day 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.



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Crl.O.P.No.29532 of 2022

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[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.

01.12.2022

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Crl.O.P.No.29532 of 2022