

Crl.O.P.No.30232 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 457 and 380 IPC in Cr.No.480 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.11.2022, the petitioners are alleged to have trespassed in to the premises of the NOCL Company and committed theft of iron materials. When they attempted to transport the same by the vehicles namely TATA Ace bearing Nos.TN 32 BL 3253 and TN 31 AL 3791, the respondent police seized the vehicles and registered the case.

3.The learned counsel appearing for the petitioner submits that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) raised objections stating that the petitioners are alleged to have trespassed in to the premises



of the NOCL Company and committed theft of iron materials. He would submit that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **District Munsif Cum Judicial Magistrate, Potonovo, Cuddalore** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 and on further condition that:



(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 months and thereafter, appear before the trial Court on all hearing dates;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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]***; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

08.12.2022*anu***Crl.O.P.No.30232 of 2022**