



Crl.O.P.No.1453 of 2023

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**T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest for the alleged offence under Sections 379 of IPC in Cr.No.449 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a travels; he has given a car to one Reserve Bank employee for hire. The said employee went to Thiruvannamalai Temple and after worship, they returned back to Chennai through Tindivanam road. During that period the car met with an accident and the said accident was informed to the defacto complainant. When the defacto complainant along with three persons went to the spot, they found four unknown persons trying to remove the car tire by using jockey. In case, only one person was caught and the other three persons escaped from the scene of occurrence. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution.



Crl.O.P.No.1453 of 2023

Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.side) would submit that the defacto complainant is running a travels and gave a car to one person for hire. The car met with an accident, and when the defacto complainant came to know that he went to the spot. He found four unknown person try to remove the car tire by using jockey. He further submitted the property was recovered. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the theft property was recovered, 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 learned **Judicial Magistrate No.II at Thiruvannamalai**, on condition that the petitioners shall execute a 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



Crl.O.P.No.1453 of 2023

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 petitioners shall report before the respondent police, on every Wednesday at 10.30 a.m for a period of eight weeks and thereafter, as and when required for interrogation;**

(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 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;

**T.V.THAMILSELVI, J.**

vsn

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



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Crl.O.P.No.1453 of 2023

**25.01.2023**

**Crl.O.P.No.1453 of 2023**