

CrI.O.P.No.4058 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 457, 380 of IPC in Cr.No.5 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a shop namely Kuppusamy Mudaliar & Son. Further, the accused persons are working in the shop. On 19.12.2022, the defacto complainant kept Rs.25,000 in the locker and closed the shop. Next day while opening the locker, the defacto complainant was shocked that the money kept in the locker was theft by the accused persons and the same is recorded in the CCTV camera also. Thereby, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, is ready and willing to contribute a sum of Rs.20,000/- to the credit of



Cr.No.5 of 2023 that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that totally there are three accused in this case. He further submits that the defacto complainant is running a shop namely Kuppusamy Mudaliar & Son and the accused are working in the said shop. On 19.12.2022, the defacto complainant kept Rs.25,000 in the locker and closed the shop. Next day while opening the locker, the defacto complainant was shocked that the money kept in the locker was theft and the same is recorded in the CCTV camera also. He also submits that Rs.1,000/- has been recovered from the accused persons. Hence, he vehemently oppose to grant anticipatory bail to the petitioners.

5. Considering the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on anticipatory 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 I, Salem***, on condition that the petitioners shall



execute a separate bond for a sum of **Rs.10,000/- each (Rupees Ten Thousand Only)** with two sureties (out of which, one surety must be a blood related surety) 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 petitioners shall report before the respondent police on every Sunday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

(c) the petitioners are directed to deposit a sum of Rs.20,000/-(Rupees Twenty Thousand Only) to the credit of Crime No.05 of 2023 without prejudice to his rights, within a period of two weeks from the date of receipt of copy of this order and produce the receipt before the concerned Magistrate. On such deposit, defacto complainant is permitted to withdraw the above said amount by filing an undertaking affidavit before the concerned Magistrate.



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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

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

28.02.2023

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