



Crl.O.P.No.4388 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 457 & 380 of IPC in Crime No.46 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons have attempted to commit theft of 2 tones of scrap materials from the NOCL Company Ltd. Hence the complaint.

3. Learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that the co-accused has already been enlarged on bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate(Crl.Side) appearing for the respondent Police submits that the petitioners have attempted to commit a theft of 2 tones of scrap materials of worth about Rs.60,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Taking into consideration the fact that the property has been recovered and also the fact that the petitioners, without prejudice to their rights, on their own volition are ready to deposit a sum of Rs.10,000/- to any of the Government Organization, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the Registered Advocate Clerk Association, Cuddalore**, and on such receipt and receipt of proof of payment, 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 on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate Court, Portonovo**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) **each**, 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



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further condition that:

[a]the petitioners 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 petitioners shall report before the respondent police station on every Sunday at 10.30 a.m., for a period of eight weeks;

(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;

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



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