



Crl.O.P.No.4445 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 457 and 380 of IPC, in Crime No.35 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the *de-facto* complainant is running a shop dealing with old air conditioner and iron. While so, on 04.02.2023, at about 10.00 p.m., the *de-facto* complainant closed his shop and went to his house. On 05.02.2023, at about 04.00 a.m., when he opened the shop, he found that the copper materials separated from old air conditioners weighing 60 Kgs in two gunny bags worth about Rs.40,000/- were found missing and the roof of the shop was opened. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent persons and based on the confession given by the



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co-accused, the petitioner has been falsely implicated in this case. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused have stolen the copper materials separated from old air conditioners weighing 60 Kilograms worth about Rs.40,000/- from the *de-facto* complainant's shop. He would also submit that the petitioner is arrayed as A1 and the property stolen by the petitioner and other accused were not recovered by the respondent police. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.



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6.Taking into consideration the facts and circumstances of the case and also considering the fact that a prima facie case is made out against the petitioner and also considering the fact that the property stolen by the petitioner was not recovered, this Court feels that a detailed enquiry is required in this matter, which may include custodial interrogation. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

02.03.2023

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