



Crl.O.P.No.4979 of 2023

Crl.O.P.No.4979 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC in Crime No.127 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Manikandan is that the petitioner along with other accused committed theft of 250 boxes of footwear, which were transported from Cheyyar, Thiruvannamalai District to Chennai Port in lorry. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is running a business of transporting goods in the name of M/s.Sri Sowthambigai Transport. The de facto complainant Company has approached the petitioner to transport goods from Cheyyar, Thiruvannamalai District to Chennai Port, as such,



Crl.O.P.No.4979 of 2023

WEB COPY

the petitioner engaged one Edwin Selvaraj to transport the goods. He would further submit that the fact remains that the footwear was transported to Chennai and the petitioner, believing Edwin Selvaraj, had handed over the work, whereas, the said Edwin Selvaraj had committed theft of the same. He would further submit that the entire contraband has been seized/recovered from the third and fourth accused and they have been arrested and enlarged on bail. He would further submit that there is no previous case against the petitioner. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is a transporter engaged for transporting 250 boxes of footwear whereas, he has entrusted them to the accused and they have joined together and had committed theft of the goods. He would further submit that the entire contraband has been seized/recovered from the third and fourth accused and they have also



Crl.O.P.No.4979 of 2023

been enlarged on bail. He would further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions of either sides and also of the fact that there is no previous case pending as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.2, Poonamallee** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with two sureties each for a like sum to the satisfaction



Crl.O.P.No.4979 of 2023

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 further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.



Crl.O.P.No.4979 of 2023

WEB COPY

[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

07.03.2023

arb



WEB COPY



Crl.O.P.No.4979 of 2023

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.4979 of 2023

07.03.2023