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CrI.O.P.No.5177 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 381 of IPC in Crime No.46 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners committed theft of 80 litres of diesel worth about Rs.8,000/- from the stationed vehicle and on seeing the police, they ran away from the scene of occurrence leaving behind the Omni Car bearing Registration No.TN-52-K-9750. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are working as JCB Operators under the de facto complainant and there was a salary dispute between the petitioners and the de facto



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complainant, and thereby, a false and exaggerated complaint has been given. He would further submit that there is no previous case pending as against the petitioners. He would also submit that the petitioners are 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 petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners had committed theft of 80 litres of diesel from a stationed vehicle and on seeing the police, they ran away from the scene of occurrence. He would further submit that no previous case pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

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



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

7. 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 on which the order copy made ready, before **the learned District Munsif-cum-Judicial Magistrate, Edapady**, on condition that each of the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** 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 further condition that:



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[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 his Aadhar card or Bank pass Book to ensure their identity.

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

[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]**.

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

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