



Crl.O.P.No.6435 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 offences punishable under Sections 381, 120B, 408, 109 and 201 of IPC, in Crime No.511 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is the partner of the M/s.Knit Gallery, at Tirupur. The petitioners had conspired together and committed a theft of banian cloth materials from the defacto complainant's company worth of Rs.50,00,000/-. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the first accused, who is the son of first petitioner/A3 was working in the defacto complainant's company and due to mis-understanding, the defacto complainant has given a false



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complaint, based on which, the first accused has been arrested. He would further submit that the first petitioner is the mother, the second petitioner is the son and the third petitioner is the wife of the first accused and they have no role in the said allegations, whereas they have been unnecessarily harassed by the respondent police and the case has been registered based on direction from the learned Magistrate under Section 156(3) of Cr.P.C. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that A1/Nagendran was working in the defacto complainant's company. The petitioners have conspired together and committed a theft of banian cloth materials from the defacto complainant's company worth of Rs.50,00,000/-. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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6. Considering the above facts and circumstances of the case and the submissions made on both sides, 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 Judicial Magistrate - II, Tirupur**, on condition that the petitioners 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:

[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.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every saturday 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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