



Crl.O.P.No.7826 of 2023

Crl.O.P.No.7826 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 454, 380, 411 IPC, in Crime No.87 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Manoharan who is working as a Security Officer in NOCL, Periya Kuppam, is that on 26.03.2023 at about 8.00 a.m., A1 to A5 had trespassed into the NOCL company and stolen 1700 kgs. of Iron materials by using 4 vehicles. At that time, the defacto complainant along with others, caught hold of A1 to A4, however, A5 escaped from the place. The petitioner/A6 is the receiver of stolen goods. 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 based on the confession given by the other accused. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.7826 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that on 26.03.2023 at about 8.00 a.m., A1 to A5 had committed theft of Iron materials from the NOCL Company and they had loaded the same in four vehicles viz., Ashok Leyland Dost bearing Reng.No.TN 31 CW 9871 (1 Ton), Tractor with Tipper bearing Regn.No.TN 31 CD 2151 (500 Kgs), Yamaha R15 two wheeler bearing Regn.No.TN 31 CE 2245 (150 kgs) and TVS XL Super bearing Regn.No. 91 F 3985 (50 kgs) and in total 1700 kgs. worth about Rs.60,000/. At that time, A1 to A4 were caught hold by the defacto complainant and others. However, A5 escaped from the spot and A1 to A4 are still in custody. Insofar as the petitioner is concerned, he is the receiver of stolen goods. He used to purchase the stolen materials from the other accused. He further submitted that there is no previous case against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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



Crl.O.P.No.7826 of 2023

WEB COPY

6. Taking into consideration the facts and circumstances of the case and the fact that there is no previous case 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 District Munsif cum Judicial Magistrate, Parangipet**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioner 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.



WEB COPY



Crl.O.P.No.7826 of 2023

[b] the petitioner shall report before the respondent police daily 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].

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

13.04.2023

ksa-2



WEB COPY



Crl.O.P.No.7826 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.7826 of 2023

13.04.2023