



Crl.O.P.No.8198 of 2023

Crl.O.P.No.8198 of 2023

K.KUMARESH BABU, J.

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457 and 380 of IPC in Crime No.445 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as Security guard in Nagai Power Plant. On 29.11.2022, when the defacto complainant along with another inspected the power plant and found that the Aluminium wire role worth about Rs.2,00,000/- was found missing. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and based on the confession of other accused, a false case has been foisted against him for statistical purpose. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.8198 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner colluded with other accused had stolen the aluminium wire. He further submitted that the property has been recovered.. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration, the facts and circumstances of the case and the property has been recovered, 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 Court No.II, Nagapattinam**, on condition that the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two sureties** each for a like sum to the satisfaction



Crl.O.P.No.8198 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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every Monday and Friday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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].

K.KUMARESH BABU, J.



WEB COPY



Crl.O.P.No.8198 of 2023

nti/nr

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

17.05.2023

nti/nr

Crl.O.P.No.8198 of 2023