



Crl.O.P.No.7834 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC, in Crime No.112 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mayanknahata is that he is doing Plywood business. On 25.03.2020 at 10.30 a.m., when the defacto complainant opened his warehouse, he found some Plywoods were missing and when he enquired with his neighbours, he came to know that on 24.03.2023 at 9.00 a.m., two unknown persons came separately in Ashok Leyland Dost Four wheeler bearing Regn.No.TN 14 AC 2233 and in a bike and took about 90 Plywoods from the defacto complainant's warehouse and prior to that also, they have stolen about 142 Plywoods. 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



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based on the confession recorded from the arrested accused. He further submitted that there is no previous case against the petitioner. However, in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.25,000/- to the credit of Crime Number and he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner along with other accused committed theft of 232 Plywoods from the godown of the defacto complainant worth about Rs.1 lakh. He further submitted that the petitioner is arrayed as A1 and the other accused A2 to A6 were arrested and from them, only 70 Plywoods were recovered them. Hence, he vehemently opposed for grant of 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 fact that part of the stolen property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Crime No.112 of 2023** and on such deposit, 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 X Metropolitan Magistrate, Egmore, Chennai**, 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.



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

[c] the final order in respect of the said deposit, shall be passed by trial Court, at the time of conclusion of trial;

[d] the petitioner shall not tamper wit evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

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