



Crl.O.P.No.7994 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 Section 379 of IPC, in Crime No.86 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Shamil Ahmed is that the accused had committed theft of export shoes worth about Rs.25 lakhs which was intended to export abroad. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case based on the confession of the arrested accused A1. He further submit that A1 has been arrested and entire contraband has been recovered from A1. He further submit that the petitioners are ready to abide by any conditions 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) would submit that the petitioners are associates of A1 and they have committed theft of



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export quality shoes worth about Rs.25 lakhs which was intended for export.

He further submit that A1 has been arrested and the entire shoes have been recovered from A1 and as far as the petitioners are concerned there are one previous case are pending which is of similar nature. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel on either sides and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel 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 No.II, Ponneri**, 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



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

[b] the petitioners shall report before the respondent police on 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]**.



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

17.04.2023

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