



CrI.OP.No.8768 of 2023

S.SOUNTHAR, J

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 454 and 380 of IPC in Crime No.90 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a Security Officer at NOCL Company, Periyakuppam and the said company was temporarily closed. When the defacto complainant is on duty, the petitioners alleged to have trespassed in to the said company and committed a theft of iron articles and loaded the same in an unregistered Ashok Leyland Dhosth vehicle. On seeing the defacto complainant, the accused persons were escaped from the scene of occurrence and the defacto complainant and his colleagues searched the said lorry, they found that the accused persons had stolen the iron articles of the said company weighing 1½ tonnes worth about Rs.45,000/- . Hence, the complaint.

3. The learned counsel for the petitioners would submit that based on the confession statement of the arrested co-accused/A1, their names have



been implicated. He would further submit that the petitioners are innocent and they were no way connected with the alleged occurrence and the stolen iron articles were recovered. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners alleged to have trespassed in to the NOCL Company and committed a theft of iron articles weighing 1½ tonnes and it is worth about Rs.45,000/- and loaded the same in an unregistered Ashok Leyland Dhoshth vehicle. He would submit that the stolen iron articles were recovered. However, he would vehemently oppose to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Having regard to the allegations made against the petitioners in the FIR and also the submissions made by both counsel and also taking note



of the fact that the the stolen iron articles were recovered, this Court is inclined to grant anticipatory bail 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 District Munsif-Cum-Judicial Magistrate Court, Portonovo*** on condition that each of the petitioners shall execute separate bonds 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall before the respondent police every day at 10.30 a.m., until further orders;



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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[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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CrI.OP.No.8768 of 2---

S.SOUNTHAR, J

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