



Crl.O.P.No.10093 of 2023

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S.SOUNTCHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457 and 380 of I.P.C. in Crime No.197 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant was working as a manager in JP Enterprises Yard, Kancheepuram. The first accused purchased JCB under hire purchase, which was seized by the officials of the Manapuram Finance due to non payment of EMI and handed over to the above yard. It was alleged that on 23.03.2023 the JCB was stolen from the yard. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that co-accused 1 and 2 were already granted anticipatory bail by this Court in Crl.O.P.No.8569 of 2023 dated



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24.04.2023. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner and other accused have stolen the JCB from the de-facto complainant's yard. He further admitted that co-accused 1 and 2 were already granted anticipatory bail by this Court on 24.04.2023 in Crl.O.P.No.8569 of 2023. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. Having regard to the facts of the case and the nature of the allegation made against the petitioner and also of the fact that co-accused 1 and 2 were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 No.II, Kancheepuram**, 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 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.



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[c] the petitioner shall not tamper the 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.

04.05.2023

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