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CrI.O.P.No.10665 of 2023

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K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Section 381 of I.P.C in Crime No.214 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is working as Junior Engineer in the BSNL Office, Namakkal. On 27.04.2023, the de-facto complainant viz., Senthil Kumar who is working as Junior Telecommunication Officer of BSNL, seized a Lorry bearing Registration No.TN-38 BV 3323 containing 50 BSNL Posts. On enquiry, the de-facto complainant came to know that the said Lorry belongs to one Sivaraj and the said Sivaraj has sent the vehicle only with the consensus of the petitioner who stole the said 50 BSNL Posts. The petitioner has also accepted that he has stolen the said 50 BSNL Posts. Hence, the de-facto complainant lodged a complaint against the petitioner. Aggrieved over the same, the petitioner has filed the present petition.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent Police would submit that the aforesaid 50 BSNL Posts were recovered from the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also, considering the fact that the aforesaid stolen 50 BSNL Posts were recovered from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned



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Judicial Magistrate No.I, Namakkal, 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 conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police 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



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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 the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

17.05.2023

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