



Crl.O.P.No.12219 of 2023

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**G.CHANDRASEKHARAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 457, 380 of IPC in Crime No.198 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that, petitioners are falsely implicated in this case, on the basis of the confession statement of the co-accused. There is no recovery of stolen articles from the petitioners. Apprehending arrest in Crime No.198 of 2023 registered for the offences under Sections 457, 380 of IPC, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, *de-facto* complainant is working as a Security in Ookur power plant. For the past one year, the power plant was not functioning and some thieves have stolen the copper wires. Between 13.05.2023 to 14.05.2023 night, they noticed four persons in the factory premises and it was found that the following properties were stolen from the factory premises Viz., Store Copper



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Earth Flats, ABB Yard Transformer Copper Winding, Patching Plant Transformer copper coils, CHP Transformer coils, Copper Earth for 3 meter MCC Room to Transformer, Copper Cables 180 sq, Instrumentation Compressor copper cable and Copper Busbat, Aluminium cables for Bump House, Power cables for ESP Copper and iron pipes. He further submitted that 1<sup>st</sup> accused was arrested and on the basis of his confession statement, the petitioners are implicated in this case. The stolen properties were recovered. As per the confession statement of A1, petitioners had also participated in the theft.

4. In light of the submissions made by the learned counsel appearing for the parties and that the petitioners are implicated only on the basis of the confession statement of co-accused and there is no recovery of stolen articles from the petitioners and that stolen articles were recovered, this Court is inclined to grant anticipatory bail to the petitioners for the reason that custodial interrogation of the petitioners is not necessary.

5. Accordingly, petitioners are ordered to be released on



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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 Court No-II, Nagapattinam**, on condition that each of 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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 daily at 10.30.a.m., until further orders.**



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[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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.

**27.07.2023**

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