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Crl.OP.No.13090 of 2023

**Crl.OP.No.13090 of 2023
and
Crl.MP.No.8692 of 2023**

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC in Crime No.96 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons are entered into the defacto complainant's company premises on 27.03.2023 and had committed a theft of construction materials worth about Rs.4,00,000/-. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that as per the FIR, the alleged occurrence is stated to have taken place on 27.03.2023 and the complaint has been give only on 04.04.2023 and even in the complaint, the name of the petitioner does not find place. He would further submit that A1 in this case namely Balachandran was arrested and later he has been released on bail. Coming to know that the workers were victimized, the petitioner had resigned the job



from the company on 07.04.2023 and only thereafter based on subsequent statement, the petitioner was implicated in this case. He would further submit that the arrested accused have been enlarged on bail and thereby he would seek anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other employees had committed a theft of iron scrap materials from the yard of the defacto complainant. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor would submit that the petitioners are running a company, the accused were working in the said company by committing theft of scrap materials. At the time of complaint, the materials were valued at Rs.4,00,000/- only. Later, it was found that the petitioner who was the Associate Director of the Company had along with other accused had committed fraud to the tune of Rs.44 crores.

6. This Court enquired the respondent police whether any complaint has been received or not with regard to Rs.44 crores.



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7. The learned Government Advocate (Crl.Side) on instructions from the respondent police would submit that the complaint as on today only in respect of Rs.8,00,000/-.

8. Heard both sides and perused the materials available on records including the FIR.

9. Taking into consideration the facts and circumstances of the case, and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. 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 District Munsif-Cum-Judicial Magistrate, Thirupporur, Chengalpattu* 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/trial Court 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 every day at 10.30 a.m., until further orders;

[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] 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, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

11. With the above directions, this Criminal Original Petition is ordered. Consequently, connected miscellaneous petition is closed.

Vv

22.06.2023

A.D.JAGADISH CHANDIRA, J.



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