



Crl.O.P.No.16935 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 403, 406, 407 and 420 of IPC, in Crime No.137 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is doing business in the name and style of “Sivasakthi Roadways” in Chennai and also booking and arranging the vehicles intending customers for commission basis. While so, on 26.06.2023, the defacto complainant M/s.Tirupathi Cement Carrier was requested the petitioner to arrange one lorry for hire basis for transporting petroleum bi-products from C.P.C.L., Chennai Plant to Ultra-Tech Pvt., Ltd., Company at Ariyalur District. Accordingly, the petitioner has introduced one Prem Shankar, who is the owner of the lorry bearing Regn.No.TN-52-8053 to the defacto complainant for said transportation of said Petroleum products. Thereafter, the said Prem Shankar carried the goods on 26.06.2023. They



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were dishonestly converts the carried goods and committed criminal breach of trust in respect of Petroleum bi-products. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the role of the petitioner is only introduced and arranged the owner of the vehicle, who is arrayed as A2 in this case and the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there are seven accused in this case. Some of the accused were arrested and remanded to judicial custody and thereafter, they were released on bail by the Principal Sessions Judge, Ariyalur, in Crl.M.P.Nos.2365 & 2366 of 2023. However, he opposed to grant anticipatory bail to the petitioner.



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5. It is seen that according to the petitioner he is only a broker, who has arranged the lorry for the defacto complainant for transportation of the said Petroleum products and he has no role to play in the alleged exchange of quality of coal with the substandard coal whereas the learned Government Advocate stated that based on the confession statement of the A2, who is the master mind in the idea and the original coal transferred has been abbreviated by him and sold in the private market, the petitioner was implicated in this case.

5. Considering the facts and circumstances and also taking note of the fact that the co-accused in this case with the same nature of offence were enlarged on bail and there is no specific overt act, 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 made ready, before the **learned Judicial Magistrate, Jayamkondam**, on condition that the petitioner



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shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties 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 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 daily at 10.00 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] 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



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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.

09.08.2023

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