



Crl.O.P.No.17782 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No. 347 of 2023, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working in the Thirumurugan Modern Rice Mill for the past eight years and before two months, when the old godown was demolished, four iron channels were kept in the Chidambarasami Thottam at Uputhuraipalayam Achiyur Road and when the defacto complainant visited the place on 23.07.2023 at about 3 p.m., four iron channels were there. But again when he came to the place on 25.07.2023 at about 2 p.m., two of them were missing and only two was there and the value of the missing pipes is about Rs.2500/-. Hence, the case.



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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the respondent. He would further submit that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there are totally three accused in this case in which, the petitioners are arrayed as A1 and A2. He would further submit that the petitioners along with other accused person committed in theft of two iron channel pipes worth about Rs.2,500/-from Thirumurugan Modern Rice Mill. He would also submit that the said iron channel pipes were recovered from the accused. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances and also the submissions of the learned Counsels, this Court is inclined to



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grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of his arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate, Dharapuram**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Twenty Thousand only) each 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 petitioners 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.



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[b] the petitioner shall deposit a sum of Rs.2000/- (each Rs.1000/-) to the credit of Crime No.347 of 2023 before the Magistrate concerned.

[c] the petitioners shall report before the respondent police every day at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[f] 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].

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

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