



Crl.O.P.No.18682 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 Section 381 of IPC in Crime No.373 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant is working as subsidiary company of Royal Agro Farm Ltd., and it is a practice to conduct field inspection of the iron materials and equipments, while so, they had conducted field inspection on 04.08.2023 @ 4 pm and found that about 500 kgs of spare parts were missing. The Petitioner and another accused, who were working as Security in their company stopped coming to work after knowing about the Field Inspection. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is an innocent person and he had nothing to do with the alleged offence. He had stopped going to work due to his personal reasons, the company unnecessarily suspecting him. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the amount in respect of the lost materials was recovered. He is vehemently opposed to grant anticipatory bail to the Petitioner.



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5.Heard the learned counsel on either side and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the Petitioners have come forward to deposit an amount of Rs.5,000/- to the credit of crime number, this Court is inclined to grant bail to the Petitioner with certain conditions.

7.Accordingly, the Petitioner is directed to deposit a sum of Rs.5,000/- to the credit of Crime No.373 of 2023, without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof before the trial Court, 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, Dharapuram**, on condition that the Petitioner shall execute a separate 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:



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[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, everyday at 10.30 a.m., for a period of three weeks and thereafter, 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.08.2023

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