



Crl.O.P.No.22876 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 120 (b), 465, 468, 471, 420 IPC, in Crime No.324 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The matter came up for hearing on 11.10.2023, wherein, this Court had observed that,

the petitioners are the owners of the lorry bearing Registration No.TN40 W 5940, which was used for transportation of iron pipes. The registration number of the lorry was changed to TN40 W 5943 and in that iron pipes had been taken away to some other place. A1 and A2 who are driver and cleaner have been granted bail. But that would not apply for the petitioners, who are the owners of the lorry.

3.Then the matter was adjourned to today. A status report had been filed, wherein, it had been very specifically stated that the



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petitioners are absconding and changed the vehicle number and license for steeling the iron rods. It is stated that petitioners are residing at Coimbatore but the theft was committed at Hosur. The learned counsel for the petitioners stated that Rs.4,00,000/- would be deposited by each of them to the credit of the crime number. The total value of the iron rods are 15,33,304/-.

4.Taking all these factors into consideration and the bonafide extended by the petitioners herein, this Court is inclined to grant anticipatory bail to the petitioners subject to the condition that **each of the petitioners shall each deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of the crime No.324 of 2022, pending on the file of the Judicial Magistrate No.II, Hosur. On such deposit, from and out of the sum of Rs.8,00,000/-, the Judicial Magistrate No.II, Hosur, may pay out to the defacto complainant a sum of Rs.4,00,000/- and shall deposit the balance amount of Rs.4,00,000/- in an interest bearing deposit scheme with auto renewal facility, in a nationalised bank and pass final orders after conclusion of the trial.**

5.Accordingly, the 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 **Judicial Magistrate No.II, Hosur**, on condition that the petitioners 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:

[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.

[b]the petitioners shall report before the respondent police daily morning at 10.00 a.m., until further orders.

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

[d] the petitioners shall not abscond either during



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investigation or trial.

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[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.

15.11.2023

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