

Crl.O.P.No.27466 of 2023**C.V.KARTHIKEYAN, J.**

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The petitioners/A2&A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 457 and 380 of I.P.C, in Crime No.400 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that a complaint was lodged that 10 welding wires were missing in Iron Logistics product Company. It is stated that F.I.R was lodged on 20.08.2022. Hence, the case.

3. The learned Counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case as they are residing in the same village. He further submits that originally the petitioners had filed Crl.O.P.No.22565 of 2022 and at that time it was stated that in the F.I.R the petitioners names are not found. Subsequently, it is stated that the petitioners had been added as A2 and A3. Hence, he prayed for grant of anticipatory bail to the petitioners.



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5. The learned Government Advocate (Criminal Side) for the respondent submits that the co-accused had already been arrested and released on bail. He further submits that a sum of Rs.40,000/- had been recovered from A1. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, the F.I.R had been registered in the year 2022, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, **petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.400 of 2022 on the file of the learned Judicial Magistrate, Ambattur, failing which, the anticipatory bail shall stand dismissed,** the petitioners are ordered to be released on 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 **learned Judicial Magistrate, Ambattur**, on condition that the petitioners shall execute a



separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**

each 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 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 are each directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.400 of 2022 on the file of the learned Judicial Magistrate, Ambattur, failing which, the anticipatory bail shall stand dismissed.

[c] The learned Judicial Magistrate, Ambattur, may deposit the total amount of Rs.20,000/- in a Fixed Deposit earning interest and on conclusion of the trial, if the petitioners are acquitted may return back the said amount together with accrued interest to the petitioners. But however if the petitioners are convicted of the offence, then it should be handed over to the de-facto complainant herein together with interest.



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[d] the petitioners shall report before the respondent Police on everyday at 10.30a.m., until further orders;

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

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

[g] 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]**.

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

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