



Crl.O.P.No.28416 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioners/A4 and A5, who apprehend arrest at the hands of the Respondent Police for the offences punishable under Sections 407, 420 of IPC altered to Sections 407, 420, 120(b), 381 of IPC in Crime No.113 of 2023, seek anticipatory bail.

2. It is the case of the prosecution that the Deputy General Manager of the defacto complainant company had stated that substantial scrap material worth about Rs.1,00,00,000/- had been found stolen and on enquiry, it was found that with the active connivance of A1, who was working as security officer, the other Accused had removed the scrap material from the premises of the defacto complainant company. So far as the present Petitioners are concerned, A4 is the owner of the lorry, in which the scrap materials were transported and A5 is the driver.

3. The learned counsel for the Petitioners pointed out that the Accused A1 had been granted bail and the Accused A2 and A3 had been granted anticipatory bail. But the Accused A1 had been granted bail under



Crl.O.P.No.28416 of 2023

Section 167(2) of Code of Criminal Procedure and therefore, there was no possibility of entering into any discussion on merits, while granting that particular order.

4. It is also seen that in Crl.O.P.Nos.12424 and 12464 of 2023, the Accused A2 and A3 had been granted anticipatory bail by a learned Single Judge of this Court. The earlier application seeking anticipatory bail had been dismissed on 20.11.2023. This only indicate that the applications for anticipatory bail would be filed successively and the Court will also have to pass orders but unfortunately, no steps have been taken.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions that **each one of the two Petitioners are directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) each to the credit of Crime No.113 of 2023 before the learned Judicial Magistrate No.II, Hosur and on such deposits, the learned Judicial Magistrate No.II, Hosur may transfer the said amount to the Fixed Deposit and pass final orders at the time of conclusion of trial.** Accordingly, the Petitioners are ordered to be released on



CrI.O.P.No.28416 of 2023

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 – 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 deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) each to the credit of Crime No.113 of 2023 before the learned Judicial Magistrate No.II, Hosur and on such deposits, the learned Judicial Magistrate No.II, Hosur may transfer the said amount to the Fixed Deposit and pass final orders at the time of conclusion of trial.

[c] the petitioners shall report before the Respondent Police daily at 10.30 a.m., until further orders.



Crl.O.P.No.28416 of 2023

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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

20.12.2023

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CrI.O.P.No.28416 of 2023

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CrI.O.P.No.28416 of 2023

20.12.2023