



Crl.O.P.No.27514 of 2023
and Crl.MP.No.19424 of 2023

C.V.KARTHIKEYAN, J.

Petitioners/A1 and A3 in Crime No.142 of 2023, registered under Section 408 IPC r/w Section 34 IPC, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent.

3.The complaint had been given on 25.11.2023. The de facto complainant is the owner of the petrol bunk at Karaikal. The 1st petitioner is said to be the Manager in the said petrol bunk and the 2nd petitioner is said to be one of the persons employed to fill petrol. The 2nd petitioner is a lady. The sequence of event shows that on 9.11.2023, the 2nd petitioner had given a complaint of there being misbehaviour by one Vijayasarathi, who is said to be related to the de facto complainant. The respondent police have not given any indication as to what steps they had taken regarding that particular complaint. If they have not done so then there is negligence of duty of the respondent police. Thereafter, the second document in the next sequence of event is on 10.11.2023, the very next day when the 2nd petitioner herein had withdrawn the complaint and stated that she only wanted arrears of salary and therefore, she is withdrawing the complaint. This could be the result of direct threat and influence being exerted on



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the 2nd petitioner herein. After that, on 25.11.2023 a complaint is given that the petitioners herein who are A1 and A3 have misappropriated amounts by asking those motorists who come to fill petrol to transfer the amount to their individual google pay accounts. Not even one motorist will pay money independently to a person who is employed in a petrol bunk but would demand receipt for the petrol or diesel which is filled up. The fact that the 2nd petitioner had given a complaint of misbehaviour appears to have been the genesis for all the subsequent complaints. The respondents, should have enquired into the complaint dated 09.11.2023. Since they failed to discharge their duty, the other complaint have emanated. Anticipatory bail granted.

4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners/A1 and A3 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 No.II, Karaikal**, the petitioners each 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 1st **petitioner** to appear before the respondent **everyday at 10.30 a.m.,for a period of two weeks** and the 2nd **petitioner** to appear before the respondent **once a week at 10.30 a.m.,for a period of two weeks.**

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

[d] the petitioners 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]**.



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

Intervening petition (CrI.MP.No.19424 of 2023) is closed.

15.12.2023

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