



Crl.O.P.No.28021 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.512 of 2023 registered by the respondent Police for the offences punishable under Section 380 of IPC.

2. The defacto complainant is a tenant. It is stated that he had been tenant for the past nine years in a property worth about 9 Crore. He had given a complaint stating that the petitioner herein was responsible for machinery, belonging to the defacto complaint being stolen. The machinery was worth about Rs.50 lakhs.

3. There is a representation on behalf of the defacto complainant that he would like to enter appearance and participate in the proceedings. But, it is also seen that the bona fide of the respective parties will have to be weighed. It is the specific contention that the defacto complainant after lodging this complaint, had filed yet another Criminal Original petition seeking transfer of investigation. This will only indicate that the issue would only protract for ever and ever and the entire issue would stand stagnant. It is also seen that the defacto complainant has also filed a suit seeking to protect possession.



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4. Taking into consideration, the litigations which are pending, and also taking into consideration of the age of the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is 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 **District Munsif cum Judicial Magistrate Court, Annur, Coimbatore District**, 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:

[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 once a week i.e., every Saturday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.



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[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 petitioner 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.

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