



Crl.O.P.No.29162 of 2023

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WEB C **P.DHANABAL, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC in Crime No.2 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 02.01.2023, when the defacto complainant was in vehicle inspection, at that time one unregistered ASHOK LEYLAND DOST vehicle was stopped for inspection, two unknown persons were escaped from the vehicle, therefore, the defacto complainant inspected the said vehicle, they found that 2 tons of iron plate which was stolen from NOCL Company. Hence, the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that there are totally four accused in this case. He would also submit that there are two previous cases against the 1st accused and four previous cases against the 2nd accused which are similar in nature. The value of the



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property is worth about Rs.40,000/- Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the co-accused was already released on bail by this Court in Crl.O.P. No.20329 of 2023 and also the fact that the stolen property was recovered, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

7. Accordingly, 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 District Munsif-cum-Judicial Magistrate, Kurinjipadi***, 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 learned Magistrate concerned and on further condition that:



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WEB COPY [a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

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

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

[d] 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].

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

28.12.2023

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