



Crl.O.P.No.29215 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 Section 379 of I.P.C in Crime No.1244 of 2023 on the file of the respondent Police, seeks Anticipatory Bail.

2. The case of the prosecution is that on 08.09.2023 at 10.00 P.M, the de-facto complainant's lorry, bearing registration No.TN 37 CC 1433 containing HDD machine and electronic instruments namely, Digitrack, was proceeding from Cuddalore to Coimbatore. On 12.09.2023, in order to transfer the electronic instruments to another lorry, the driver stopped the lorry near a tea shop at Magudanchavadi, Salem and went to take another lorry bearing registration No.TN 28 AF 4797 and returned there at 9.30 P.M. On the next day, i.e., on 13.09.2023 at about 7.00 P.M, when the driver Marimuthu and Deva were transferring Digitrack, they found that electronic instruments in Digitrack worth Rs.7,00,000/- were found missing. Hence the complaint.

3. The learned Counsel for the petitioners would contend that the



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petitioners have not committed any offence and they have been falsely implicated in this case. He would further contend that the father of the first petitioner died on 05.11.2023 and he has to do the death ceremonies. It is the further contention of the learned Counsel for the petitioners that the co-accused namely, Kaviyarasu, was granted bail by the learned Judicial Magistrate No.II, Salem in C.M.P.No.1496 of 2023 on 19.10.2023 and the property has already been recovered and hence, prays to enlarge the petitioners on Anticipatory Bail.

4. The learned Government Advocate (Crl. Side) would submit that the earlier Anticipatory Bail petition of the petitioners, filed before the learned Principal Sessions Judge, Salem in C.M.P.No.3314 of 2023 was dismissed by order, dated 09.11.2023. He would further submit that the properties were recovered from A1 and that no previous case is pending against these petitioners. However, objected to grant Anticipatory Bail to the petitioners.

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



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6. Considering the rival submissions on either side and considering that the properties were recovered from the first accused and considering that no previous cases are pending against these petitioners, this Court is inclined to grant Anticipatory Bail to the petitioners.

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 Judicial Magistrate No.II, Salem on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[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



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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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