

Crl.O.P.No.4007 of 2024

T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 & 120(B) of IPC in Crime No.87 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 12.01.2024 at about 1.00 am, the petitioners along with other persons entered into the defacto complainant's son's furniture shop which was jointly run by the accused- A1 and the defacto complainant's son, broke open the same and stolen furnitures worth about Rs.15 lakhs. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and that there was already a complaint given by him that his son Yasar Arfath, was kidnapped by him and the same was registered in Crime No.705 of 2023 dated 28.11.2023 and as a counter blast, a false complaint was given by the defacto complainant. He further submits that he is ready to abide by any condition that may be imposed by this Court.

Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned counsel for the intervenor raised objection stating that he financed more than Rs.1 crore and also purchased the furniture and other articles for the shop, but without his consent, the petitioner attempted to remove the furniture from the shop. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that there are totally four accused in this case. He further submits that the petitioner and the defacto complainant's son were partners for which, the petitioner has stolen the furnitures worth about Rs.15 lakhs. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

6. Taking into consideration the facts and circumstances of the case and also the fact that the first petitioner on his own volition, is ready to deposit the sum of Rs.1,00,000/- to the credit of crime number, this Court is

inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.II, Chengalpattu*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, 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 and on further condition that:

(a) the first petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Thousand only) to the credit of Cr.No.87 of 2024 before the learned Judicial Magistrate No.II, Chengalpattu, within a period of two weeks from the date of receipt of a copy of this order.

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the first and second petitioners shall report

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before the respondent police on every Saturday at 10.30 a.m, for a period of three months;

[d] The third petitioner shall report before the respondent as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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 has been imposed and the petitioners is 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]*; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

10.04.2024

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