



Crl.O.P.No.9367 of 2024

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Section 379 of IPC in Crime No.277 of 2023 on the file of the respondent/police, seek anticipatory bail.

2.It is the case of the prosecution that on 13.12.2023, while the defacto complainant parking his company's bus near Mangalpatti Karumariamman Temple, at that time these petitioners have theft 300 litres of diesel worth about Rs.28,200/- from the defacto complainant's Transport Company's bus bearing Reg.No.TN 87 A 5389. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence and they are no way connected in this case. They are law abiding citizens and they undertake to abide by any conditions imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) submitted that the petitioners are habitual offenders. Hence, he opposed for grant of anticipatory bail to the petitioners.



5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

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

7.Accordingly, the petitioners are directed 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, Pochampalli, on condition that the petitioners shall execute a 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 the petitioners, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners is directed to deposit a sum of Rs.15,000/- each (Rupees Fifteen Thousand Only) to the credit



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of Crime No.277 of 2023, before the concerned Magistrate within a period of two weeks from the date on which the order copy made ready and on such deposit, the defacto complainant is permitted to withdraw the said amount on filing undertaking affidavit and proper identification and acknowledgment;

(c) the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial;

(d) the petitioners shall appear before the respondent police daily morning at 10.30 a.m. for a period of three weeks;

(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 have been imposed and the petitioners released on bail by the learned Magistrate/trial Judge 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.

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