



CrI.O.P.No.12240 of 2024

CrI.O.P.No.12240 of 2024

WEB COPY

C.SARAVANAN, J.

The petitioners apprehend arrest by the respondent for the alleged offences under Sections 461 and 380 of Indian Penal Code, 1860 in Crime No.262 of 2024, the petitioners are before this Court and seek an order of anticipatory bail under Section 438 of Cr.P.C.

2. The case of the prosecution is that the defacto complainant had lodged a complaint before the respondent stating that he is running a company in the name of M/s. Mahesh Plastics and the petitioner herein along with other accused have entered the said company's premises by break open and took away DVR, Hard disk, camera, documents, injection moulding dye and other valuables.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they are employed under the 1st accused's company and they were not involved in the alleged offence. He further submitted that there was a dispute among the 1st accused and the



Crl.O.P.No.12240 of 2024

defacto complainant, hence the defacto complainant had given a false complaint as against the petitioners herein. He also further submitted that 1st accused had also given a police complaint before the Aminjikarai Police and the same was registered in Crime No.60 of 2023 against the defacto complainant, hence for counter blast, the defacto complainant had lodged this complaint. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners herein are the employees of the 1st accused/ D.Subramania Pillai, who stepped into the shoes of the defacto complainant's late father, who died on 27.09.2020. He also further submitted that there was a dispute between the 1st accused and the defacto complainant and earlier, the 1st accused had obtained an order at the investigation stage from this Court on 17.05.2024 in Crl.O.P.No.12087 of 2024, since then the case has been registered against A1 to A6 in Crime No.262/2024. Hence, he opposed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.12240 of 2024

WEB COPY

5. Having considered the submissions of both counsels and considering the prima facie dispute appears between the defacto complainant and the 1st accused, who was a partner of the defacto complainant's father, who died on 27.09.2020, the Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall be released on bail in the event of arrest or on his appearance immediately on the following conditions :-

[a] the petitioners shall appear before the learned V Metropolitan Magistrate, Egmore, Chennai within a period of fifteen days from the date on which the order copy made ready.

[b] 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 or to the satisfaction of the learned Magistrate concerned.

[c] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and



CrI.O.P.No.12240 of 2024

the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioners shall report before the respondent police as and when required for interrogation and directed to co-operate for the investigation.

[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 Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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



WEB COPY



CrI.O.P.No.12240 of 2024

23.05.2024

stn

C.SARAVANAN, J.

stn



WEB COPY



CrI.O.P.No.12240 of 2024

CrI.O.P.No.12240 of 2024

23.05.2024