



Crl.O.P. No.21458 of 2024

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P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Section 381 of IPC in Crime No.507 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the defacto-complainant is the Assistant Manager of SHADOWFAX Technologies Pvt., Ltd. and he had lodged a complaint before the respondent police and stating that when he inspected store check in their company and they found that there is shortage in store check and some goods were missing. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police has registered a false case against the petitioner for the offences punishable under section 381 of IPC. As per the prosecution case, the Defacto-complainant is the Assistant Manager of SHADOWFAX Technologies Pvt., Ltd. and he lodged a complaint before the respondent police and stating that there is shortage in store check and some of the goods were missing. In fact, the petitioner has no way connected with the above said offence and there is no overtact against the petitioner. In the



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FIR, he has been falsely implicated in this case. Already this Court was dismissed the anticipatory bail application and now the material part of investigation was completed. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner had stolen the products worth about Rs.13,72,709/- and the products have not yet been recovered and the steps are being taken to secure the accused. In this case, investigation is at initial stage. Hence, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the fact that the material part of investigation was completed and already this Court dismissed the anticipatory bail application and so far the respondent police has not secured any persons who are involved in this case and also considering that there is no previous case as against this petitioner and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his 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, Madhavaram** on condition that the petitioner 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

[b] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

09.09.2024

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P.DHANABAL,J



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