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Crl.O.P.No.27721 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/A4 and A5 who apprehend arrest at the hands of the respondent police for the offence punishable under Section 305(a) of B.N.S. in Crime No.793 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused committed theft of iron goods from the factory premises of the defacto complainant. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are doing scrap business and they innocently purchased the goods from the other accused and that they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the



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petitioners stating that there are totally five accused involved in this case.

A1 to A3 committed theft of iron goods worth about Rs.99,000/- from the factory premises of the defacto complainant and subsequently, they were arrested. Insofar as the petitioners are concerned, they have been arrayed as A4 and A5 and they are receivers of stolen goods. He further submitted that a sum of Rs.50,000/- has been recovered from A2 and that there is no previous case against the petitioners.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6.Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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



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the learned District Munsif-cum-Judicial Magistrate, Gummidipoondi,
on condition that the petitioners shall execute a separate 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, 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 Magistrate may obtain a copy of their
Aadhar card or Bank pass Book to ensure their identity.

**[b] the petitioners shall report before the
respondent police everyday at 06.30 p.m. until further
orders.**

[c] the petitioners shall not tamper with
evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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

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