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Crl.O.P.No.28297 of 2024

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 316(2), 318(4) of BNS 2023 in Crime No.670 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as a Service Engineer in the defacto complainant's company and committed misappropriation of the engine oil to the tune of Rs.1,59,807/-. Hence this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is no way connected with the alleged offence. Hence, he prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for the grant of anticipatory bail to the petitioner submitted that the petitioner misappropriated the shop funds of the defacto complainant to the tune of Rs.1,59,807/-.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on 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 Judicial Magistrate No.I, Thirupathur*, 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 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 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;



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(b) the petitioner shall report before the respondent police everyday at 10.30 a.m., and every Saturday at 06.30 p.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(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]***; and;

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

13.11.2024

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