



Crl.O.P.No.28859 of 2023

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WEB CRI RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of I.P.C, in Crime No.2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.01.2023, when the defacto complainant was in vehicle inspection, one unregistered ASHOK LEYLAND DOST vehicle was stopped for inspection, the two unknown persons were escaped from the vehicle, therefore the defacto complainant inspect the said vehicle and found 2 tons of iron plate. After the enquiry, it was found that the same was stolen from NOCL company. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that this is a second anticipatory bail Petition filed by the Petitioner and this Court by an order dated 13.09.2023 in Crl.OP.No.20329 of 2023, already granted Anticipatory bail to the Petitioner. Since the Petitioner has not furnished the sureties within the stipulated time fixed by this Court, the same was dismissed and the present Petition has been filed for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Criminal Side) for the respondent would submit that the Petitioner has not complied with the earlier



condition imposed by this Court and he opposed for grant of anticipatory bail to the Petitioner.

5.Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl. Side) appearing for the Respondent Police.

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

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 **District-cum-Judicial Magistrate, Kurinjipadi, Cuddalore**, on condition that the Petitioner 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 Petitioner 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.



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[b] the Petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks and thereafter as and when required;

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

06.02.2024

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