

CRL.O.P.No.12626 of 2016**S.VAIDYANATHAN,J.**

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC in Crime No.32 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioner, by diverting the attention of the defacto complainant, is alleged to have robbed a sum of 4,06,000/-, which was kept in his two wheeler.

3. Learned counsel for the petitioner submitted that the petitioner who was arrested in another case in Crime No.156 of 2016 on the file of Tiruvannamalai East Police Station was falsely implicated in the above case. He would further submit that on the basis of confession statement recorded by the Inspector of Police, Thiruvannamalai, a recovery was made and subsequently and on the basis of the recovery, he was implicated in the present case and also in a case in Crime No.55 of 2015. Thus he prayed for granting anticipatory bail.

4. Learned Government Advocate (Crl. Side) would submit that apart from the case in Crime No.32 of 2016, the petitioner was also involved in a case registered in Crime No.55 of 2015 for the offence of committing theft of jewels weighing four sovereigns. He would further submit that out of 4 sovereigns, 16 grams of gold jewels alone was recovered. In the present case, the petitioner has committed theft of Rs.4,06,000/-, out of which, only Rs 2 lakhs was recovered. Thus he prayed for dismissal of this petition.

5. This Court earlier, by order dated 3.6.2016, has dismissed the anticipatory bail moved by the petitioner and it is now reported by the learned Government Advocate (crl.side) that investigation is still pending in this case. Except the fact that a sum of Rs.2 lakhs and part of the stolen jewels have been recovered in Crime No.55 of 2016, the prosecution has not taken steps to complete investigation.

6. Considering the above facts and circumstances of the case and also taking note of the fact that the petitioner is having bad previous records and part of the money and jewel have been recovered and further there is no progress on the part of the prosecution to complete the investigation, 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 his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate No.II, Thiurvannamalai** on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, one of such should be a Government surety and another should be a blood related surety, 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 and on further condition that:

[a] the petitioner shall report before the respondent police daily at 5.00 p.m. until further orders.

(b) the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.32 of 2016 before the learned Judicial Magistrate No.II, Thiurvannamalai

[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 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]**.

20.06.2016

msr

S. VAIDHYANATHAN, J.

msr

CRL.O.P.NO.12626 of 2016

20.6.2016