

CRL.O.P.No.12627 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.55 of 2015 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 is alleged to have robbed a gold chain from the defacto complainant.

3. Learned counsel for the petitioners 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.32 of 2016. Thus he prayed for granting anticipatory bail.

4. Learned Government Advocate (Crl. Side) would submit that apart from the case in Crime No.55 of 2016, the petitioner was also involved in a case registered in Crime No.32 of 2016 for the offence of committing robbery of Rs.4,06,000/-. He would further submit that out of Rs.4,06,000/-, an amount of Rs.2,00,000/- alone was recovered. In the present case, the petitioner has committed theft of 4 sovereigns of gold jewels, out of which, only 16 grams of golden jewels were 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 some part of the jewels have been recovered in Crime No.32 of 2016, the prosecution has not taken steps to complete investigation.

6. Considering the 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 10.30 a.m. until further orders.

(b) the petitioner shall deposit the cost of 8 grams of jewels as on today to the credit of Crime No.55 of 2015 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

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