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CrI.OP.No.15373 of 2022

CrI.O.P.No.15373 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 379, 467 & 468 IPC in Crime No.190 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as Interpreter in the VI Metropolitan Magistrate Court, Egmore. On 02.05.2022, after completion of her calling work, she found that one official seal which was kept under the table missing. After enquiry with the colleagues and after seeing the CCTV footages, it was found that one Vivekanandan (A1), who is the suspended Court staff had stolen the seal from the table. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further



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submitted that the learned Chief Metropolitan Magistrate along with Mahila Magistrate and another conducted a Judicial enquiry and found that no charge has made out as against the petitioner. In fact, the petitioner is only an Advocate clerk and not a suspended Court staff. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has come up with third anticipatory bail petition. Earlier, two bail petitions were dismissed by this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that no charge has made out as against the petitioner, this Court as change of circumstance is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. 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



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XIV Metropolitan Magistrate, Egmore 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 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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.



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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 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.

05.07.2022

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