



CrI.O.P.No.15506 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 380, 448 & 457 IPC in Crime No.322 of 2022, seek anticipatory bail.

2. There are totally six accused in this case, in which the petitioners are arrayed as A1, A2 and A4. The case of the prosecution is that the petitioners are alleged to have trespassed into the defacto complainant's house and took away articles worth about 10 lakhs belong to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.15506 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that the stolen articles worth about 10 lakhs were not recovered by the law enforcing agency. He further submit that accused/A3, A5 and A6 were arrested and still in judicial custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor submitted that the earlier anticipatory bail petition was dismissed by this Court in Crl.O.P.No.13816 of 2022 and this is the second anticipatory bail petition filed by the petitioners.

6. Considering the fact that the stolen property has not recovered from the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners/A-2 & A-4 accordingly, the anticipatory bail petition is dismissed insofar as petitioners/A-2 & A-4 are concerned. However, considering the age of the first petitioner, this Court is inclined to grant anticipatory bail to the petitioner/A-1.



CrI.O.P.No.15506 of 2022

WEB COPY

7. Accordingly, the first 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-II, Tambaram, on condition that the first 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 first 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 first 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 first petitioner shall not tamper with evidence or witness



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Crl.O.P.No.15506 of 2022

G.K.ILANTHIRAIYAN, J.

Anu

either during investigation or trial.

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.07.2022

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Crl.O.P.No.15506 of 2022