



Crl.O.P.No.16698 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 308 of IPC r/w Section 34 of IPC in Crime No.75 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that between 29.04.2022 and 23.05.2022 at about 11.30 hrs at inside of Motor spare and repair room at Spinco Mill, the petitioner and others committed theft of totally 41 numbers of electric motors. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that on confession of A1 only, the petitioner has been arrested. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) would submit that out of 41 electric motors, only 24 motors were recovered and the



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petitioner has no previous case. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. There are totally six accused, in which the petitioner is arrayed as A5, whereas A1 to A3 were already arrested ad so far, recovered only 24 motors out of 41 which was stolen by the accused persons. That apart, the petitioner has been implicated as accused only on the confession statement of the co-accused. Further, the petitioner has no previous cases.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate Court-IV, Pondicherry, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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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. and 05.30 p.m. until further orders.

[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]**.



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

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