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Crl.O.P.No.16884 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 380 of IPC in Crime No.248 of 2022, seek anticipatory bail.

2. The case of the prosecution is that Al had theft 4 sovereign of gold rings from the defacto complainant's jewelry shop and the petitioners had helped A1 to escape from the hands of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 had stolen 4 sovereigns of gold rings from the defacto complainant's jewelry shop and the property has been recovered. He would further submit that there are no previous case pending against the petitioners. He also submit that A1 was arrested and remanded to judicial custody from 11.07.2022. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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5. Considering the above fact and circumstances of the case and also taking note of the fact that the property has been recovered from A1, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Palacode, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily Morning at 10.30 a.m. and Evening at 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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].**

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

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