



Crl.O.P.No.18563 of 2022

Crl.O.P.No.18563 of 2022

WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No. 246 of 2022, seeks anticipatory bail.

2. It is the case of the petitioner that he parking his two wheeler near Jayaran Hotel, when he completed his work and return from parking place his two wheeler was missing. 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. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons had taken away the defacto complainant's bike from parking place. The stolen bike has been recovered. He would further submit that there are two previous cases pending against the petitioner similar in nature. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also taking note of the fact that the stolen two wheeler has been



recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 is made ready, before the learned Judicial Magistrate No.I, Thiruvallur, 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 stay at Tindivanam and report before the Inspector of Police, Tindivanam Town Police Station, daily at 10.30 a.m., and 5.30 p.m., for a period of two weeks and thereafter, report before the respondent police daily at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.



CrI.O.P.No.18563 of 2022

[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]**.

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

05.08.2022

Lpp



WEB COPY



Crl.O.P.No.18563 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No. 18563 of 2022

05.08.2022