



CrI.O.P.No.21716 of 2022

A.D.JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Section 380 IPC in Crime No.295 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners under the guise of shopping had committed theft of sarees worth Rs.6,000/- from the shop of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false complaint has been registered against them. He would prayed for grant of anticipatory bail.

4.The learned Government Advocate (crl. side) appearing for the respondent police submitted that the petitioners under the guise of shopping entered into the shop and committed theft of sarees worth Rs.6,000/-. He would submit that CCTV footages of the petitioners entering into the shop and committing the theft is also available with the police. The petitioners are habitual offenders and two previous cases are pending against them.



5. In reply, the learned counsel for the petitioners would submit that two other persons have been arrested and they have been enlarged on bail. The petitioners are prepared to abide by any stringent conditions that may be imposed by this Court.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.I, Jayamkondam, 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 at 10.30a.m., and 5.30p.m until further orders.

[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 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.

With the above directions, this Criminal Original Petition is ordered.

09.09.2022

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