



Crl.O.P.No.22278 of 2022

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A.D.JAGADISH CHANDIRA, 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.305 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused committed theft of cow. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner had infact purchased the cows from the defacto complainant and sold it to the another person. Due to financial dispute, a false complaint has been foisted against him. He would also submit that the petitioner without prejudice is ready to deposit a sum of Rs.10,000/- to the credit of the Crime Number and he has no objection in the amount being released to the defacto complainant and hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.22278 of 2022

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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner has committed theft of cow which is owned by the defacto complainant. Hence he opposed for grant of anticipatory bail to the petitioner.

5.Merely, because the petitioner has deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is ready to pay a sum of Rs.10,000/- to the defacto complainant, this Court is inclined to grant bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime



Crl.O.P.No.22278 of 2022

WEB COPY

No.305 of 2022 and it can be paid to the defacto complainant. On such payment, 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 No.I, Sankari on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.



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CrI.O.P.No.22278 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;

15.09.2022

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Crl.O.P.No.22278 of 2022

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.22278 of 2022

15.09.2022