



Crl.OP.No.24578 of 2022

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A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457 and 380 of I.P.C in Crime No.301 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is farming birds in his house. On 21.02.2021, some unknown persons had committed theft of 55 numbers of pigeon, 10 numbers of Cocktail and 10 numbers of African birds from his house. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that some of the accused have been arrested and some of the birds have been recovered from their custody. He further submit that they have also been enlarged on bail. He further submit that there is no previous case as against him and he is also working in Dinakaran Tamil Daily Newspaper in the Department of Prepress. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that



the petitioner along with others have committed theft of birds from the defacto complainant's house. He would further submit only few birds have been secured, others are yet to be secured. He would further submit that there is no previous case pending as against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail 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 made ready, before the *learned Judicial Magistrate Court-II, Pooneri* 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.

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[b] the petitioner shall report before the respondent police every day at 10.30 a.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]**.

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

19.10.2022

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