



Crl.O.P.No.24577 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C, in Crime No. 300 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, the petitioners along with other accused committed a theft of two cows, which belongs to the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and false complaint has been lodged against them. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that, there are four previous cases similar in nature pending against the first petitioner and there is no previous cases pending against the second



petitioner. However, he opposed to grant anticipatory bail to the petitioners.

4. At this Juncture, the learned counsel for the petitioners seeks permission of this Court to withdraw the petition in respect of the first petitioner and he has also made an endorsement to that effect and he would press bail for the second petitioner.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, No.II, Attur** on condition that the second petitioner shall execute separate 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 second 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 second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Saturday at 10.30.a.m., until further orders.

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

[d] the second 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 petitioners in accordance with law as if the conditions have been imposed and the second 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]**.



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

7. Accordingly, this Criminal Original Petition is dismissed as withdrawn in respect of the first petitioner and ordered for the second petitioner.

11.10.2022

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