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CRL.O.P.No. 24483of 2022

Crl.O.P.No. 24383 of 2022

SATHI KUMAR SUKUMARA KURUP., J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 454 and 380 of IPC, in Crime No.203 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours and the petitioner had stolen jewels worth Rs.1,20,000/-from the defacto complainant's house. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and that he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl side) submitted that the petitioner has stolen jewels worth Rs.1,20,000/- from the defacto complainant's house. He further submitted there is no previous case pending against the petitioner and the petitioner was injured and taking treatment in



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hospital as in-patient. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the Petitioner, this Court is inclined to grant anticipatory bail to the Petitioner subject to certain conditions and taking note of the fact that the petitioner is taking treatment in hospital as in-patient this Court is inclined to grant liberty to the petitioner to follow the conditions after discharging from the hospital. The said conditions are as follows:

6. Accordingly, the Petitioner is ordered to be released on bail in the event of arrest by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioner surrenders before the ***Judicial Magistrate Udhagamandalam, The Nilgiris District***, within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum/amount to the satisfaction of the ***Judicial Magistrate Udhagamandalam, The Nilgiris District***, Further, one of the sureties shall be a blood relative.



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioner surrenders and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

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