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Crl.O.P.No.26543 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 offence punishable under Section 380 of IPC in Crime .No.300 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that on 04.05.2022 in the afternoon i.e., at about 1.00 p.m., some unknown persons have committed theft of 15 Sovereigns of Gold Jold Jewels belonging to the de facto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a fabricated case has been registered by the respondent police. He would further submit that the petitioner's father one Ravichandran, being an old offender was arrested as some of the cases are pending against him before the respondent police and whenever any theft has been committed within their Jurisdiction, the



Crl.O.P.No.26543 of 2022

WEB COPY

respondent police had been harassing the father of the petitioner. The father of the petitioner had earlier filed a petition before the State Human Rights Commission on 24.01.2022 and as a retaliation, the respondent police has implicated the petitioner's father in the unknown accused case and arrested him and based on the confession recorded from his father, the respondent police has implicated the petitioner also. He would also submit that the petitioner does not have any previous case against him and since the father of the petitioner has filed a complainant against the respondent police before the State Human Rights Commission, the petitioner has been falsely implicated in this case. He would further submit that the petitioner's father/A1 has already been arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner is the son of A1 and A1 along with the petitioner have committed theft of 15 sovereigns of Gold Jewels from the house of the de facto complainant. He would further



CrI.O.P.No.26543 of 2022

submit that A1 has got three previous cases of similar in nature, in that cases A1 has been arrested and later released on bail and in respect of the petitioner, there is no previous case pending against him. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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-II, Poonamallee** on condition that 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



Crl.O.P.No.26543 of 2022

WEB COPY

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 learned Judicial Magistrate-II, Poonamallee on all working days at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness during trial;

[d] the petitioner shall not abscond during 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



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Crl.O.P.No.26543 of 2022

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;

02.11.2022

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Crl.O.P.No.26543 of 2022

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.26543 of 2022

02.11.2022