



Crl.O.P.No.27072 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 Sections 379 of IPC altered into Sections 379 and 414 of IPC in Crime No.401 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Naveen Kumar is that, the petitioner along with other accused had committed a theft of two wheeler worth about Rs.70,000/-. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been implicated only based on the confession statement of the arrested accused. Even as per the confession statement, the accused had stated that they have sold the stolen articles to the petitioner and received Rs.4,000/-, other than that, there is no specific overt act as against the petitioner. Hence, he seeks for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would submit that, the stolen property has been recovered from the co-accused and would further submit that there is one previous case pending against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also considering that the property has been recovered, 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 No.1, Perambalur** 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:



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[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 four weeks and thereafter on every Saturday 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.

14.11.2022

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