



Crl.OP.No.27560 of 2022

A.D.JAGADISH CHANDIRA, J.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.383 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused had committed theft of motor and electronic items. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would further submit that even as per the prosecution, the stolen property is stated to have been recovered from the arrested accused/A3. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused had committed theft of motor and electronic items. He would further submit that the stolen property has been recovered from the arrested accused/A3. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Taking into consideration the facts and the submissions made by the counsel and also taking note of the fact that the stolen property has been recovered from the arrested accused, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***learned Judicial Magistrate-II, Kallakurichi District*** on condition that each of the petitioners shall execute separate bonds 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 petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.

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

[d] the petitioners 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 petitioners 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.

15.11.2022

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