



Crl.O.P.No.29315 of 2022

Crl.O.P.No.29315 of 2022

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.313 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant Sankaran is that the petitioner, who had come to his shop for carpentry work, had committed theft of Rs.52,000/- in the cash box. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a carpenter and he was engaged by the defacto complainant for doing carpentry work in the shop of the defacto complainant. He would submit that on account of money dispute between them, the defacto complainant had refused to give the amount to the petitioner, for which, there was a quarrel between them and other than that he has nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.29315 of 2022

WEB COPY

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner had committed theft of Rs.52,000/- from the shop of the defacto complainant. He would further submit that the stolen amount was recovered and there is no previous case pending against the petitioner. Hence, oppose for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note of the fact that there is no previous case pending against the petitioner, 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



Crl.O.P.No.29315 of 2022

WEB COPY

Judicial Magistrate, Pallipattu, Thiruvallur District 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:

[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., 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



WEB COPY



CrI.O.P.No.29315 of 2022

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;

29.11.2022

vkr

A.D.JAGADISH CHANDIRA, J.

vkr



WEB COPY



Crl.O.P.No.29315 of 2022

Crl.O.P.No.29315 of 2022

29.11.2022