



Crl.O.P.No.29546 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966 in Crime No.4 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that it was reported missing of 15 Nos. of Jayson Cocks valued Rs.1,736.85/- from the Train No.6416 from Tanjore to Maiyladurai and the same was noticed on its arrival at Maiyaldurai Railway on 01.09.2022. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he would submit that the petitioner, without prejudice to his rights and contentions is ready and willing to deposit some amount to the credit of Crime No.4 of 2022. Therefore, he



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prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the accused had committed theft of 15 taps in the passenger train. He would further submit that the petitioner was arrested in a case and on confession, the respondent came to know about the present case. Further, there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions and that the petitioner is ready and willing to deposit some amount to the credit of Cr.No.4 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of crime No. 4 of 2022 within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the



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learned **Judicial Magistrate No.1, Maiyladurai** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of crime No.4 of 2022 within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police every Wednesday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or



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trial.

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[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

08.12.2022

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