



Crl.O.P.No.29717 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 Sections 454 and 380 of IPC in Crime No.170 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Saravanan is that some unknown persons have committed theft of 2 Sovereign of gold jewels worth about Rs.80,000/-. Based on the complaint given by the de facto complainant, a case in Crime No.170 of 2022 was registered by the respondent Police for the offences under Sections 454 and 380 of IPC. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is a pawn broker and the allegations against the petitioner is that he has received the stolen property from the other accused. He would further



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submit that there is no previous case pending against the petitioner and the respondent Police has recovered the stolen property (1 Sovereign of gold Jewel) from the other accused. He would further submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioner is a receiver of a stolen property. He would further submit that the stolen property (1 Sovereign of gold Jewel) was recovered from the co-accused. He would further submit that the co-accused has been arrested and still is in Judicial Custody, as far as the petitioner/accused is concerned, there is no previous case pending against him. However, he vehemently opposed for grant of anticipatory bail to the petitioner/accused.

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



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6. Considering the above facts and circumstances of the case and the submissions made by either side, 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, Coonoor** 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 his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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.

01.12.2022

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