



Crl.O.P.No.30897 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 Railway Property (Unlawful Possession) Act, 1966 in Crime No.04 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused have stolen 36 Nos. of the Railway Finger Contact Bit worth about Rs.18,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and based on the confession statement of the co-accused, he has been falsely implicated in this case. He would also submit that A1 to A3 were arrested on 04.12.2022 and they are still under judicial custody. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused have stolen 36 Nos. of the Railway Finger Contact Bit worth about Rs.18,000/-. He would also submit that the investigation was almost completed and properties has also been recovered from A1 to A3, who were arrested on 04.12.2022. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner 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 VI Metropolitan Magistrate at Egmore**, 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



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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 on every Wednesday for a period of eight weeks;

[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]**;



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

16.12.2022

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