

Crl.O.P.No.31213 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 381 and 511 IPC in Cr.No.27 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that these petitioners along with another accused are alleged to have attempted to steal the lift machine. Hence, the case.

3.The learned counsel appearing for the petitioners submits that earlier, anticipatory bail was granted to the petitioners with a condition to execute a bond for a sum of Rs.25,000/- before the Magistrate concerned. However, the petitioners could not comply with the condition since they were all daily coolies. Thereby, the anticipatory bail granted to the petitioners had been dismissed due to lapse of time in complying with the conditions. However, the petitioners are now ready to comply with the conditions. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that these petitioners along with another accused are alleged to have attempted to steal the lift machine. He would further submit that earlier, anticipatory bail was granted to the petitioners. However, they were unable to comply with the conditions and thereby, the petition stood automatically dismissed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the petitioners are now ready to comply with the conditions, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Kangayam, Tirupur** on condition that the petitioners shall execute a separate 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 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 Court concerned 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 Wednesday at 10.30 a.m. for a period of three months and thereafter, appear before the trial Court on all hearing dates.

(c)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

20.12.2022

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