



Crl.O.P.No.32194 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 Sections 457, 380 & 381 of IPC, in Crime No.733 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused had attempted to commit theft of Steel Rods, worth about Rs.50,000/- from the shop of the de-facto complainant, by using their vehicle bearing registration No.TN-78-A-0684. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been wrongly implicated in this case. He also submitted that the name of the petitioner does not find place in the First Information Report and he has nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has attempted to commit theft of Steel Rods, worth about Rs.50,000/- from the shop of the de-facto complainant, by using their vehicle bearing registration No.TN-78-A-0684. He also submitted that the property was recovered, however, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the fact that the name of the petitioner does not find place in the First Information Report, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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-I, Namakkal**, 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 report before the respondent police on every Saturday at 10.30a.m. for a period of six 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;



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[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.

23.12.2022

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