



Crl.O.P.No.1599 of 2023

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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 406 & 420 of IPC, in Crime No.230 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had stolen the cattles from the defacto complainant's farm and sold to butcher and absconded, due to which the defacto complainant lost a sum of Rs.2,50,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged offence and a false complaint has been given against him. He would further submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.50,000/- to the credit of Crime No.230 of 2022 towards the loss incurred by the defacto complainant. Hence, he



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prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had stolen the cattles from the defacto complainant's farm and sold to butcher and absconded, due to which the defacto complainant lost a sum of Rs.2,50,000/-. Hence, he opposed for grant of 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 materials available on record.

6.Considering the facts and circumstances of the case and the submissions made by the learned counsel, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.230 of 2022** and on such receipt and receipt of proof of payment, the



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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, Omalur***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, out of which one surety must be a blood related surety 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.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.230 of 2022, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant, who shall utilize the said amount.



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(c) the petitioner shall report before the respondent police station every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter as and when required.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f) 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]***; and;

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

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25.01.2023

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