



Crl.O.P.No.4070 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 Section 379 of IPC, in Crime No.5 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that, on 07.01.2023, the petitioner had involved in theft of two-wheeler and on seeing the police, the petitioner ran away from the place of occurrence. Hence, the complaint.

3.The learned counsel for the petitioner would submit that, based on the confession statement of A1, petitioner has been falsely implicated in this case. However, the learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.10,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that, on 07.01.2023, the petitioner had involved in the theft of two-wheelers of



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the *de-facto* complainant. He would also submit that there is no previous case similar in nature is pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case similar in nature is pending against the petitioner, 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 Judicial Magistrate-II, Athur**, 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 surety) 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:



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[a] the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the credit of the Crime No.5 of 2023 within a period of two weeks from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Athur;**

[b] 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;

[c] the petitioner shall report before the **respondent Police on every Wednesday at 10.30a.m. for a period of six weeks;**

[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;



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[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]**;

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

27.02.2023

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