



Crl.O.P.No.4553 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 454 and 380 of IPC, in Crime No.1727 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 19.08.2020, at about 06.45 a.m., the *de-facto* complainant went for work and returned back home at 03.10 p.m. and found that some miscreants broke the front door of the house and also broke the lock of the steel bureau in the bed room of the house and taken away the gold chain weighting about 4 pounds, a gold ring weighing about 1 pound, two gold coins weighing about 1 pound and totally, 7 sovereigns were stolen from the rice bowl in the kitchen. Hence, the case.

3.The learned counsel appearing for the petitioner would that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) submitted that the petitioner along with others conspired and trespassed into the house of the *de-facto* complainant and damaged the properties and stolen the jewels and other articles of her worth about a sum of Rs.1,05,000/-. He would also submit that the anticipatory bail petition filed by the petitioner was dismissed by this Court on 20.12.2022 in Crl.O.P.No.31184 of 2022. He would further submit that there are 9 previous cases pending against the petitioner. Further, he would submit that the jewels and other articles were recovered from the accused persons. However, he vehemently 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 before the **learned Judicial**



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Magistrate, Kangayam, Tiruppur District, 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:

[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 alternative days at 10.30 a.m., for a period of two (2) months ;

[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.

02.03.2023

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