



Crl.O.P.No.5265 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands on the file of the Judicial Magistrate -I, Krishnagiri in PRC.No.23 of 2015 in Crime No.518 of 2014 on the file of the respondent police for the offences punishable under Sections 419, 395 read with 397 and 412 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the accused has committed theft of spare parts worth Rs.49,40,000/- stored in a godown. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is the owner of the godown. He would further submit that the petitioner was not arrested during the course of investigation and he has not aware of the case registered against him. The respondent after completion of investigation filed a final report



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showing the petitioner as an absconding accused and later the case is also taken up in PRC.No.23 of 2015 on the file the learned Judicial Magistrate – I, Krishnagiri and non bailable warrant of arrest has been issued against the petitioner. He would submit that the absence of the petitioner to appear before the Court is neither willful nor wanton and due to non issuance of summons the petitioner did not appeared before the Trial Court. Hence, he seeks for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is arrayed as Accused No.11 in this case and he was not arrested during the course of investigation and absconding charge sheet has been filed. Now, the case has been taken in PRC.No.23 of 2015 on the file of the learned Judicial Magistrate – I, Krishnagiri and non bailable warrant has been issued and the case now stands posted on 25.04.2023 before the learned Judicial Magistrate No.I, Krishnagiri. The petitioner has shown as a absconding accused and he was not arrested in due course of investigation.



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5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate - I, Krishnagiri**, on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the learned Judicial Magistrate – I, Krishnagiri on all working days for a period of two week and thereafter on the date fixed by the learned Judicial Magistrate – I, Krishnagiri.

[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.

[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 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]**.



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

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