



Crl.O.P.No.5344 of 2023

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A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457 and 380 of IPC, in Crime No.190 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Anilkumar is that some unknown persons had entered into his shop by drilling through the wall behind the shop and by breaking open the Godrej Bureau, had stolen 400 gms of Gold and 20 kgs of silver and cash of Rs.48,000/-. Subsequently, on the complaint given by the defacto complainant, a case was registered in Crime No.190 of 2022 for the offences under Sections 457 and 380 of IPC against unknown persons. During the course of investigation, A1 to A4 were arrested and during enquiry they confessed that 40 sovereign of gold jewels and 5 kgs of silver were sold to the petitioner herein. Hence, the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement recorded from the co-accused. He would further submit that the petitioner was running a pawn shop in Chattisgarh and he has been falsely implicated in this case. He would further submit that it is not the case where the petitioner is alleged to have committed theft of jewellery and without prejudice to his contention, the petitioner is ready and willing to furnish solvent sureties and ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the other accused persons stolen the jewels of the defacto complainant which was kept in his shop weighing 400 gms of Gold and 20 kgs of silver along with cash of Rs.48,000/- and during enquiry, it was found that the petitioner has received 40 sovereigns of gold jewels and 5 kgs of silver from the other accused persons for a lesser amount of Rs.8 lakhs. Hence, he opposed for grant of bail to the petitioner.



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

6. Taking into consideration the facts and submissions of the case, the submissions made by either 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 **learned Judicial Magistrate, Katpadi**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., and 5.30 p.m., until further orders.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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