



Crl.O.P.No.6764 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 448, 354 and 379 of IPC in Crime No.66 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to money dispute, the petitioners have trespassed into the house of the defacto complainant and snatched a gold chain and escaped from the spot. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioners and the defacto complainant are neighbours and due to previous enmity, a false complaint has been given against them. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioners and the defacto complainant are neighbours and due to money dispute, the petitioners have trespassed into the house of the defacto complainant and snatched a gold chain and escaped from the spot. He would further submit that the chain is yet to be recovered. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

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

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from



the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Mayiladuthurai on condition that the petitioners 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:

[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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, the first petitioner alone shall report before the respondent Police on every Saturday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 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]**;

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

11.04.2023

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