



Crl.O.P.No.6873 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 380 IPC in Crime No.121 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Aruna is that the accused/A1 is known to her and she had accommodated A1 in her house and during her stay, she had committed theft of 11 sovereigns of Thali chain. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case, since the defacto complainant suspects that the petitioners are known to A1. He would submit that there was a financial dispute between A1 and the defacto complainant and thereby, a false complaint has been given. He would further submit that though the alleged



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occurrence stated to have been taken place on 22.11.2022, the complaint has been given only on 24.02.2023 and thereby, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners are friends of A1 and they were known to defacto complainant and she had accommodated A1 in her house on 22.11.2022 and during her stay, she along with the petitioners jointly committed theft of Thali Chain. He would submit that Thali Chain has not been recovered and A1 is absconding. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate(Crl.Side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and that submissions made by the learned counsel and also of the fact



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that the petitioners are stated to be friends of A1 and A1 is absconding, 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-II, Salem**, on condition that each of the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police everyday 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.

[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.

30.03.2023

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