

**Crl.O.P.No.7647 of 2023****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.755 of 2013 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along other accused trespassed into the complainant's college and took away Laptop worth about Rs.40,000/- and in this connection, the respondent police arrested A1 namely Shankar and based on his confession statement, this petitioner has been implicated in this case.

3. The learned counsel for the petitioners submitted that the petitioner is an innocent and he has been falsely implicated in this case based on the confession of co-accused. He further submitted that the occurrence took place in the year 2013 and the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.5976 of 2017 by order dated 06.04.2017 and since he could not execute sureties within the time stipulated by this Court, the order got lapsed and thereby, the present petition has been filed before this Court and he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would fairly concede that the petitioner was earlier granted anticipatory bail by this Court on 06.04.2017.

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

6. Taking into consideration, the facts and circumstances of the case and the fact that the petitioner was earlier granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to make a **non refundable deposit of Rs.3,000/- (Rupees Three Thousand Only)**, by way of Demand Draft/RTGS/NEFT to the credit of Taluk Legal Services Authority. On such deposit and production of proof, 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, Ambur**, on condition that the petitioner shall execute a 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.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 absconds, a fresh FIR can be registered under Section 229A IPC.

12.04.2023

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