



Crl.O.P.No.7575 of 2023

Crl.O.P.No.7575 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 147, 427, 379 and 506(i) of IPC in Crime No.444 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Aravazhi is that he is the president of Yadhavar Madam and being selected through General Body meeting. While so, on 17.11.2022, at about 8.30 p.m., when nobody was there in the Madam, the accused broke open the lock and committed theft of vital documents, resolution note and bill books. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would submit that there was a dispute between two groups belong to Yadavar community and due to the said dispute, a false case has been registered against the petitioner. Further, the defacto complainant had committed misappropriation of funds and to



Crl.O.P.No.7575 of 2023

WEB COPY

hide his illegal act, he has given a false complaint, as if, some important documents were missing. He would further submit that A1 in this case has been arrested and enlarged on bail and yet another co-accused has been granted anticipatory bail by this Court in Crl.O.P.No.7519 of 2023 dated 06.04.2023. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that due to rivalry, the members of the same community, have broken open the lock and stolen some important documents from the office of the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the entire materials available on record including the First Information Report.



Crl.O.P.No.7575 of 2023

WEB COPY

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that A1 has been arrested and enlarged on bail and yet another co-accused has been granted anticipatory bail by this Court, this Court is inclined to grant 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-I, Thiruvannamalai**, 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



CrI.O.P.No.7575 of 2023

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 06.30 p.m., for a period of one week and thereafter 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;

11.04.2023

ksa-2



WEB COPY



Crl.O.P.No.7575 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.7575 of 2023

11.04.2023