



WEB COPY



Crl.O.P.No.7581 of 2023

Crl.O.P.No.7581 of 2023

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

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC in Crime No.139 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Abdul Qudduse is that he had arranged a car to pick up his staff namely Alwath from Trichy Airport who was returning from Dubai by Air, with 125 Sovereigns of gold and Cash of Rs.25,000/-. Accordingly, on 26.02.2023, the said Alwath was returning from Trichy Airport by car and when they had stopped the car for refreshment, the said gold and cash were stolen by few persons who followed him in another car. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case based on the confession recorded from A1 and A2. He further



Crl.O.P.No.7581 of 2023

submitted that A1 and A2 were arrested and from A1, cash of Rs.25,000/- was recovered and from A2, 125 Sovereigns of gold were recovered and subsequently, they were also released on bail and therefore, there is no requirement for the custodial interrogation of the petitioners. Further, the petitioners do not have any previous case against them and thereby, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioners stating that the petitioners have been arrayed as A3 and A4 as they are the associates of A1 and A2. The petitioners along with the other accused, robbed an amount of Rs.25,000/- and 125 sovereigns of gold from the defacto complainant. However, he admitted that after the arrest of A1 and A2, all the stolen properties were recovered from A1 and A2 and that there is no previous case against the petitioners.

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



Crl.O.P.No.7581 of 2023

WEB COPY

6. Considering the above facts and circumstances of the case and also of the fact that all the stolen properties were already recovered from A1 and A2 and that A1 and A2 have been released on bail, 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 is made ready, before **the learned Judicial Magistrate No.I, Madhuranthakam**, on condition that the petitioners shall execute separate bonds 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:



Crl.O.P.No.7581 of 2023

[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 his Aadhar card or Bank pass Book to ensure their identity.

**[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.

**11.04.2023**

ksa-2



WEB COPY



Crl.O.P.No.7581 of 2023

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

ksa-2

Crl.O.P.No.7581 of 2023

11.04.2023