



Crl.O.P.No.7712 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.21 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused committed theft of the defacto complainant's two wheeler bearing Registration No.TN 14 M 2173. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the stolen vehicle has already been recovered and one of the co-accused who was earlier arrested in Crime Nos.42 and 43 of 2023, has been released on bail by this Court in Crl.O.P.Nos.3873 and 3888 of 2023 dated 21.02.2023 and yet another co-accused has been granted anticipatory bail by this Court in Crl.O.P.No.6775 of 2022 by order dated 31.03.2023. Hence, he seeks for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner is arrayed as A5 in this case. The petitioner along with other accused committed theft of two wheeler belongs to the defacto complainant and now the stolen vehicle has been recovered. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the above facts and circumstances of the case and the submissions made on both sides and also of the fact that the co-accused have been granted bail/anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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-1, Villupuram District**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties** 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday evening at 7.00 p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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.

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