



Crl.O.P.No.9767 of 2023

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WEB COUNCIL **S.SOUNTHAR, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457, 380 and 511 of IPC in Crime No.458 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.09.2022, the defacto complainant came to the temple after hearing some noise from the temple and found the locks of the temple were broken and that an attempt had been made to steal hundiya. On the basis of the confession of the co-accused, the petitioner/A4 has been included. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and that he has been falsely implicated in this case and that the co-accused have been released on bail and therefore, he may be granted anticipatory bail.



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4. The learned Government Advocate (Criminal Side) would submit that the locks of the temple were broken and an attempt had been made to steal hundiya. There are totally 4 accused. He would submit that there is no previous case pending against the petitioner/A4. The anticipatory bail petition is pending as against A3. He would further submit that A1 and A2 were already arrested and subsequently, released on bail.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that A1 and A2 have been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner/A4 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the **learned Judicial Magistrate, Ambatur**, 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 obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day 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



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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;

05.05.2023

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