



Crl.O.P.No.9185 of 2023

Crl.O.P.No.9185 of 2023

WEB COPY

A. D. JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 457 & 380 of IPC, in Crime No.36 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 02.03.2023, the petitioner along with other accused have trespassed into the *de-facto* complainant's Coffee Plantation and robbed the Coffee Seeds, which is worth about Rs.2,00,000/-. Hence, the complaint.

3. The learned counsel for the petitioner submitted that it is a case and a case in counter. He would submit that on the complaint given by the petitioner, the counter case in Crime No.37 of 2023 has been registered by the respondent police. Hence, he seeks to grant anticipatory bail in respect of the petitioner.



4. The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused have trespassed into the *de-facto* complainant's Coffee Plantation and robbed the Coffee Seeds, which is worth about Rs.2,00,000/-. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate, Yercaud**, 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



CrI.O.P.No.9185 of 2023

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 is directed to report before the respondent police everyday at 10.30, a.m, for a period of two weeks 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 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.

28.04.2023

gbi



WEB COPY



Crl.O.P.No.9185 of 2023

A. D. JAGADISH CHANDIRA, J.

gbi

Crl.O.P.No.9185 of 2023

28.04.2023