



Crl.O.P.No.9393 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 alleged offences punishable under Sections 457, 380 and 511 of IPC, in Crime No. 458 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had attempted to commit theft of the Temple hundiya by breaking open the temple door. 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, based on the alleged confession stated to have been recorded from the arrested accused A1. He further submit that the accused A1 was arrested on the spot. He further submit that the petitioner has got 9 previous cases and in all cases he has been granted anticipatory bail. He further submit that the co-accused has been similarly placed and has been granted anticipatory bail by this Court in Crl.OP.No.9767 of 2023 dated 05.05.2023. Hence, he prayed to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused had attempted to commit theft of the temple hundiya by breaking open the temple door. He further submit that the accused A1 has been arrested and released on bail and the accused A4 has been granted anticipatory bail by this Court. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides and also taking note of the fact that the co-accused has also been arrested and released on bail, this Court is inclined to grant anticipatory 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



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from the date on which the order copy made ready, before the **learned Judicial Magistrate, Ambattur**, 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 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 everyday 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



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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.

05.06.2023

drl

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