



Crl.O.P.No.10655 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 of I.P.C. in Crime No.184 of 2023, on the file of respondent police, seeks anticipatory bail.

2. The case of prosecution is that as the petitioner, who is a cow selling merchant, was alleged to have possession of the defacto complainant's stolen cow. Hence, the complaint.

3. The learned counsel for petitioner submitted that in fact, the petitioner is only a merchant and he purchase cows from its respective owners and sell to another person with excess money, except that, he is not doing any illegal trading or business, but the defacto complainant claims that the cow, which is in his possession belongs to him and alleged that it was stolen by him. He would further submit that a false case has been foisted against him and he has not committed any offence as alleged in the complaint. He would submit that he is no way connected with the offence



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and he is an innocent person. He would submit that the petitioner is ready to cooperate with the investigation and also abide by any condition imposed by this court. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that cows were recovered, which were worth about Rs.90,000/-. He would submit that one previous case similar in nature is pending against him. He would further submit if he is granted anticipatory bail, he will tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. 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-II, Nagapattinam, on condition that **the petitioner shall deposit a sum of Rs.45,000/- (Rupees forty five thousand only) to the credit of Crime No. 184 of 2023 before the concerned Magistrate from the date on which, the order is made ready** and the petitioner shall also 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.



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[b] the petitioner shall appear before the respondent police everyday at 10.30 a.m. for the period of four weeks and thereafter, as and when required for the investigation.

[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 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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