



Crl.O.P.No.10968 of 2023

Crl.O.P. No. 10968 of 2023

V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 379 of I.P.C. in Crime No.141 of 2023, on the file of respondent police, seek anticipatory bail.

2. The case of prosecution is that the defacto complainant owns a Honda Dio two wheeler bearing Regn. No.TN-20 CR-8605, which was said to have stolen by the petitioners. Hence, the complaint.

3. The learned counsel for petitioners submitted that they are innocent persons and they have not committed any of offence as alleged in the complaint. He would submit that the petitioners are 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 petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that on the date of occurrence, when the



Crl.O.P.No.10968 of 2023

defacto complainant parked his two wheeler in front of his house, which was stolen by the petitioners and so far, bike was not yet recovered. He would further submit if they are granted anticipatory bail, they will tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

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 petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruvallur, on condition that the petitioners 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:



Crl.O.P.No.10968 of 2023

WEB COPY

[a] the petitioners 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 petitioners shall appear before the respondent police everyday at 10.30 a.m. for the period of four weeks.

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

[d] the petitioners 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.

24.05.2023

rpp



WEB COPY



Crl.O.P.No.10968 of 2023

V.LAKSHMINARAYANAN, J.

rpp

Crl.O.P. No. 10968 of 2023

24.05.2023