



Crl.O.P.No.11025 of 2023

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**K.KUMARESH BABU, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 381 of IPC and in Crime No.214 of 2023, seeks anticipatory bail.

2. The petitioner has been arrayed as A2, The case of the prosecution is that, the petitioner under the instigation of A1, who is working as Junior Assistant in BSNL Office at Namakkal, had transported the stolen BSNL Posts numbering 50, using a lorry bearing registration No.TN-38-BV-3323.

3. The learned counsel for the petitioner submitted that the petitioner neither purchased any BSNL Posts from anybody nor rented lorry for transporting the Posts and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the BSNL Posts were recovered and the lorry has been seized. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and also taking into account the fact that the stolen BSNL Posts have been recovered and the lorry has been seized, 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 from the date on which the order copy made ready, before the **learned Judicial Magistrate, Court No.1, Namakkal**, 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



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of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judge/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 photograph 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 his identity.

**[b] The petitioner shall report before the respondent police, as and when required for interrogation.**

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**17.05.2023**

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