



Crl.O.P.No.11460 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 IPC in Crime No.16 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is an auto driver parked his auto near Tankbund Road, Nungambakkam and went to Bangalore for a work and when he returned, he found the vehicle missing from the parking area. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and based on the confession of the co-accused, the petitioner was implicated in this case. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) submitted that if the person is caught with illegal act of theft, necessarily he could be released on bail by imposing certain conditions as may be ordered by this Court.

5. Considering the facts and circumstances of the case and also the submission made on either side, I am inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her/their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *XIV Metropolitan Magistrate, Egmore, Chennai* 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 and on further condition that:



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(a) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police **every day for a period of eight weeks and thereafter, as and when required** for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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



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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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

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