



Crl.O.P.No.11479 of 2023

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC in Crime No.21 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons committed theft of iron blades, fuse panel, copper plates and one battery from two types of covered iron box by breaking the pump house gate at Collection Well cum pump House belongs to Government of Puducherry. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not involved in any offence as alleged by the prosecution. He further submitted that A1 to A4 were already granted bail by the court below. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate(crl.side) would submit that based on the confession of other accused, the petitioner has been arrayed as accused in this case. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering that A1 to A4 were already granted bail, there is no



Crl.O.P.No.11479 of 2023

impediment to grant anticipatory bail to the petitioner. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 No.II, Karaikal, Kariakal District, Puducherry, 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 at 10.30 a.m. weekly twice i.e. Monday and Thursday until further orders.

[c] the petitioner shall not tamper with evidence or witness either



Crl.O.P.No.11479 of 2023

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.

18.05.2023

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