



WEB COPY



Crl.O.P.No.11600 of 2023

Crl.O.P.No.11600 of 2023

K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections **454 and 380 of IPC** in Crime No.402 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner along with other accused persons entered into the Neaga Water company Kothyampakkam and stolen the motor and other electric article tried to run away from the company. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not indulged in any such act and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.11600 of 2023

WEB COPY

4.The learned Government Advocate [Criminal Side] appearing for the respondent submitted that two previous case is pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, 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, Poonamallee, 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:



Crl.O.P.No.11600 of 2023

WEB COPY

[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 on every Saturday at 10.30 a.m. Until further orders.

[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.

18.05.2023

pbl



WEB COPY



Crl.O.P.No.11600 of 2023

K.KUMARESH BABU, J.

pbl

Crl.O.P.No.11600 of 2023

18.05.2022