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Crl.O.P.No.11532 of 2023

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K.KUMARESH BABU, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.42 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that petitioner during the kovil festival has robbed the defacto complainant chain. Hence, the compliant.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the defacto complainant and she has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate [Crl.Side] would submit that there are two previous cases in similar nature as against the accused. Hence, he opposed to grant anticipatory bail to the petitioner.



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5. Considering the above 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Pollachi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 on every Monday, Wednesday and Friday at 10.30 a.m. until further Orders.

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



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[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 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.

18.05.2023

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