



Crl.O.P.No.11691 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.20 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant is that he was having 15 to 20 years old sandal wood trees in his house. On 13.01.2023 he heard a noise in the backyard at that time some persons were cutting down the trees and taken away and once again on 20.01.2023 four unknown persons who had come in car bearing Registration No.TN 10 BE 7420 had committed theft of sandalwood tree. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and that he has been falsely



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implicated in this case. He further submitted that the petitioner is the owner of the car and A2 has been arrested and 10 kgs of sandalwood trees has been recovered from the petitioner. He further submitted that the petitioner is having two previous case pending against him. Hence, he prays for the grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with other accused were gone to the house of the defacto complainant and had committed theft of sandalwood tree. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 No.VI, Coimbatore**, 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 everyday at 10.30 a.m., until further orders;**



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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