



Crl.O.P.No.13463 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 of IPC in Crime No.1005 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is a mechanic and he has been falsely implicated on suspicion that he had committed theft of the two wheeler bearing Reg.No.TN 12 AC 3916. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, two wheeler bearing Reg.No. TN 12 AC 3916 has been recovered from the 1st accused. Petitioner assisted the 1st accused in stealing the vehicle on 07.11.2021 at about 18 hrs. He further submitted that there is no previous case pending against the petitioner.



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4. Considering the nature, facts and circumstances of the case and though the FIR was registered on 17.11.2021, respondent police has not taken effective steps to arrest the accused and also considering the fact that the stolen vehicle has been recovered, this Court is inclined to grant anticipatory bail to the petitioner for the reason that custodial interrogation of the petitioner is not necessary.

5. Accordingly, 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, Sriperumbudur** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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:



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[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;

[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.

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