



Crl.O.P.No.14252 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Crime No.261 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was in his duty as a watchman, the petitioner along with other accused illegally transported 20 kgs of iron materials in a two wheeler. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person. Based on the confession of A1, he has been implicated in this case. He would submit that A1 has been arrested and later enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the stolen materials have been recovered. However, he opposed to



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grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration of the fact that the stolen materials have been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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.I, Dharmapuri 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



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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 daily at 06.30 p.m. for a period of two weeks and thereafter, every Saturday at 06.30 p.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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