



Crl.O.P.No.16457 of 2023

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**G.CHANDRASEKHARAN. J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC in Crime No.209 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocents and they have been falsely implicated in this case. He further submitted that, petitioners are ready to deposit the value of the articles said to have been stolen by them. Apprehending arrest, this petition is filed.

3. The learned Government Advocate (Criminal side) submitted that, accused in this case have committed theft of two iron gates and sold it in a scrap shop. He further submitted that, there is no previous case pending against the petitioners.



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4. Considering the nature, facts and circumstances of the case and the undertaking given by the learned counsel for the petitioners that the petitioners are ready and willing to deposit the value of the articles alleged to have been stolen by the petitioners and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is now not necessary.

5. Accordingly, petitioners are 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 Judicial Magistrate No.I, Villupuram**, on condition that the petitioners shall execute separate 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 petitioners 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 petitioners without prejudice to his defence shall deposit a sum of Rs.5,000/-(Rupees Five Thousand only) jointly, to the credit of the Crime No.209 of 2023 before the Judicial Magistrate No.I, Villupuram. On such deposit, learned Magistrate is directed to use the amount for awarding victim compensation under Section 357 of Cr.P.C; Payment of this amount will not amount to admission of guilt of the petitioners.**

**[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;**

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions,



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**28.07.2023**

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