



CrI.O.P.No.17454 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The petitioner, who apprehends arrest for the alleged offences under Section 379 of IPC in Crime No.200 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had committed theft of fencing wire worth about Rs.10,000/-. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, based on the confession statement recorded from A1 and A2. He would further submit that the petitioner has nothing to do with the alleged offence and the stolen property has also been recovered. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the stolen property has been recovered.

However, he opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, without prejudice to his rights and contentions before the trial Court, is ready and willing to deposit a sum of Rs.5,000/- to the credit of Crime Number and hence, he prayed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also taking note of the fact that the stolen property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/-

(Rupees Five Thousand only) to the credit of Crime No.200 of 2023, without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof before the trial Court, 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.III, Vellore, 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



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respondent police daily 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;

16.08.2023

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