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Crl.O.P.No.19597 of 2023

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G. CHANDRASEKHARAN, J.,

The petitioner namely Gandhi, who apprehends arrest for the alleged offence under Section 379 IPC, in Crime No.85 of 2023, on the file of the respondent police seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that petitioner is unnecessarily harassed by the respondent police on the allegation of theft of defacto complainant's two wheeler. Apprehending arrest, this petition is filed.

3. In response, the learned Additional Public Prosecutor submitted that on the night of 11.06.2023, defacto complainant's two wheeler bearing registration No.TN 23 BK 2107, parked near his residence, went missing. On the basis of the complaint given by the defacto complainant, FIR was registered. He further submitted that investigation in this case is pending and the vehicle has been recovered. Thus, he prayed for dismissal of this petition.



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4. Considered the rival submissions and perused the records.

5. This is the second anticipatory bail petition. The earlier anticipatory bail petition filed by the petitioner in Crl.O.P.No.15512 of 2023 was dismissed on 17.07.2023. It is informed now that, stolen vehicle was recovered.

6. In the said circumstances, the judicial custody of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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, Gudiyatham** 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



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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 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 10.30.a.m., until further orders

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].



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

31.08.2023

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