



Crl.O.P.No.23638 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 380,457 of IPC in Crime No.262 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto-complainant owned 3.5acres of farming land and he had 7.5 HP jet motor for irrigation purpose. The said 7.5 HP jet motor was missing in the motor room situated in the farm land. Hence, the complaint.

3. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has not committed any offence as alleged by the respondent. After recording the confession statement of Accused No.1 and 2, this petitioner's name is implicated in this case. Hence, he prays for grant of anticipatory bail.



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4. It is stated by the learned Government Advocate (Criminal Side) that the accused persons had stolen 7.5 HP jet motor worth about Rs.30,000/- on 10.05.2023. The 1st accused had arrested and subsequently released on bail.

5. Taking into consideration of the fact that the other accused had been released on bail, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.

6. 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, Bhavani, Erode District** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, one of the sureties must be either from his mother or his father 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



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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] One of the sureties must be either from his mother or his father.

[c] the petitioner shall appear before the respondent police daily at 05.30 p.m., until further orders.

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

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



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[f] 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]**.

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

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