



Crl.OP.No.26096 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2, who apprehends arrest for the alleged offences under Section 380 of IPC in Crime No.390 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that A1 had entered into the house of the defacto complainant and had stolen about 11 ½ sovereigns of gold jewellery and it is further stated that A1 had handed over the jewellery to A2. Out of the stolen jewellery of 11 ½ sovereigns, only about 1 ½ sovereigns have been recovered.

3.The learned counsel for the petitioner states that the petitioner had purchased the jewellery from A1. He however stated that he did not know that it was stolen, but also admits that A1 had pledged the stolen jewellery in a Bank and that the petitioner had transferred a sum of Rs.12,42,000/- to the account of A1 for redeeming the said jewellery.

4.It is therefore clear that this petitioner had knowledge that the jewels were stolen and is also equally liable for the offence.

5.In view of the fact that further enquiry has to be conducted as to the nature of the offence and the petitioner is prepared to co-operate with the investigation, this Court is inclined to grant bail to the petitioner 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



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Judicial Magistrate No.II, Coimbatore, 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 respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.390 of 2023 pending before the learned Judicial Magistrate No.II, Coimbatore. Let the amount be transferred to the fixed deposit in any one of the Nationalized Bank and if A1 or A2 are convicted, the amount shall be transferred to the defacto complainant and even if one of them are acquitted, still the amount would be transferred to the defacto complainant. Only both are acquitted, the amount be handed over back to the petitioner.

[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.

23.11.2023

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