



Crl.O.P.No.28522 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner/A4 in Crime No.283 of 2023 registered by the Respondent Police for the offence under Section 379 IPC, seeks anticipatory bail.

2. The learned counsel for the Petitioner stated that the Petitioner is an innocent person and he has been falsely implicated in this case. Thus, he prays for grant of anticipatory bail to the Petitioner herein.

3. The learned Government Advocate (Criminal Side) stated that the Accused A1, A2 and A3 had been arrested and the Accused A1 and A2 had been granted bail. It is the case of the prosecution that all the Accused persons had stolen construction materials from a construction site maintained by the defacto complainant. Hence, this case.

4. However, the learned Government Advocate (Criminal Side) stated that the stolen property had been recovered and there is one previous case against the Petitioner herein.



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5. But taking all the surrounding factors into consideration, particularly the fact that the stolen property had been recovered, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions. 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, Palladam**, 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



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[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.

21.12.2023

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