



Crl.O.P.No.29134 of 2023

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WEB COUNCIL **P.DHANABAL, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC in Crime No.447 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.12.2023 at about 6.30am, some unknown persons stolen the square iron material from the defacto complainant's brother's godown in a vehicle bearing registration No. TN-25-BX-7435. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that he is a friend of 1st accused and based on the confession statement of the 1st accused, he has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that



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the property is worth about Rs.50,000/- and the same was recovered from the 1st accused. He would also submit that there is no previous case is pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the property was recovered and also considering the offences charged against the petitioner and the fact that no previous case is pending against him, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

7. 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, Cheyyar, Tiruvannamalai 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 for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



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WEB COPY [a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

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

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

[d] 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].

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

28.12.2023

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