



CrI.O.P.No.3182 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.435 of 2023, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the Manager of a quarry, which had been closed and from where the granite stones had been stored in an agricultural field. It is stated that A1 and A2 had engaged this petitioner to lift away the granite stones. It is also stated that A1 and A2 had been arrested and granted bail. The granite stones had not been recovered.

3.It is contended by the learned counsel for the petitioner that the petitioner is a load man engaged to lift the granite stones from the agricultural field under the instructions of A1 and A2.



4.This petitioner as a load man has been engaged on contract basis to lift the granite stones to the vehicle which would carry them forward. A1 and A2 who are the prime accused had already been granted bail.

5.Taking that factor into consideration, this Court is inclined to grant anticipatory bail to the petitioner.

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 – Cheyyur, 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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.

23.02.2024

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