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CrI.O.P.No.5946 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A6 and A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 454 and 380 of IPC in Crime No.40 of 2024, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant had taken a godown for rent for keeping raw materials like iron rods and steels. When the defacto complainant opened the godown on 04.02.2024 at 12.30 p.m., the accused were found inside the godown. They were all arrested and these two petitioners had gone away to sell the stolen properties.

3.Earlier petition seeking anticipatory bail had been dismissed on 20.02.2024. Subsequently, the accused who had been taken into custody had been granted bail. That is a significant change in circumstance.

4.Taking into consideration all the factors into consideration, I am inclined to grant anticipatory bail to the petitioners and with certain conditions:

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5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruvottiyur, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

05.04.2024

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