



WEB COPY



Crl.O.P.No.5643 of 2024

Crl.O.P.No.5643 of 2024

C.V.KARTHIKEYAN, J.

The petitioners / A2 and A3 seek anticipatory bail in Crime No.59 of 2024 registered by the respondent police for the offences punishable under Section 379 of IPC.

2.It is stated that the accused had stolen iron centring sheets on 28.01.2024, which was kept in the National Highways at Semankuppam Village. It is also stated that A1 had been arrested and is still in custody. It is stated that there are 13 previous cases against the 1st petitioner / A2 and there is no previous case against the 2nd petitioner / A3.

3.The learned counsel for the petitioner stated that, in the FIR it had been stated that the value of the property is only a sum of Rs.2,000/-, but that does not given any liberty to the accused to steal the same.



Crl.O.P.No.5643 of 2024

WEB COPY

4.Taking all these factors into consideration and particularly the fact that the 1st petitioner has 13 previous cases, this Court is not inclined to grant anticipatory bail to the 1st petitioner / A2 and accordingly, this Criminal Original Petition stands dismissed as against the 1st petitioner / A2, but however, grant anticipatory bail to the 2nd petitioner / A3 since there are no previous cases against him.

5.Accordingly, the 2nd petitioner / A3 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 – II, Cuddalore, 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:



CrI.O.P.No.5643 of 2024

WEB COPY

[a] the 2nd 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 2nd petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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.

08.03.2024

smv

3/4



WEB COPY



CrI.O.P.No.5643 of 2024

C.V.KARTHIKEYAN, J.

smv

CrI.O.P.No.5643 of 2024

08.03.2024