



Crl.O.P.No.9315 of 2024

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 457 and 380 of IPC in Crime No.66 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is running a automobile shop in the name and style of Jothi Electricals and Hardwares and running his business for the past 5 years. On 05.02.2024 the defacto complainant returned to his home after closing the shop by 09.00 p.m. and while he came next day, he found that the lock in the right side of the shutter was broken, and was opened. Thereafter, when he entered the shop along with one Krishnamoorthy, an employee of his shop and his father it was found that a sum of Rs.5,000/- was theft. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the defacto complainant had lodged the complaint in enormous delay, as the date of occurrence in the FIR is on 05.02.2024, but the defacto complainant came forward to lodge the complaint only on 09.02.2024, which clearly indicates that the petitioner was falsely implicated in this case. He is an innocent and running a mutton shop, he has nothing to do with the allegations made in the complaint. He is ready to abide by any conditions that may be imposed by this Court and is



ready to offer solvent sureties for his release on bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner is a history sheeter and he is having previous cases. In all other cases he availed bail. Based on the confession statement of A1, the petitioner was implicated as A2. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed 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, of whom, one surety should be a blood relative, each for a like sum to the satisfaction of the respondent/police or the police officer, who intends to arrest the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of three months;

(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 Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;*

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

17.04.2024

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T.V.THAMILSELVI, J.

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