



Crl.O.P.No.9895 of 2024

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T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offence punishable under Sections 457 and 380 of IPC in Crime No.65 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused have trespassed into his automobile shop and stolen a sum of Rs.5000/- from his shop. Hence the case.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case based on the confessional statement of the other accused person. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that there are totally two accused in this case and A1 was arrested and enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only)** as non-refundable to the credit of Crime No.65 of 2024 and on such deposit, the defacto complainant is permitted to withdraw the amount. On deposit and on production of proof, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance 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:



[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 Bank pass Book to ensure their identity.

[b] the petitioner is directed to report before the respondent police on every Saturday for a period of three months 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]**;



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

24.04.2024

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