



Crl.O.P.No.11978 of 2024

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**C.SARAVANAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC in Crime No.438 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Yogendhra Chauhan is that on 05.05.2024 at about 2.00 p.m., the petitioner along with other accused have stolen a mobile phone of the de facto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the accused A1 and A2 have already been enlarged on bail. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused have stolen the de facto complainant's mobile phone. He would further submit that the petitioner is already an



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accused person in NDPS case. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. It is noticed that the main accused A1 and A2 have already secured an order of bail by the Judicial Magistrate II, Ponneri, in CMP.No.1587 of 2024 and in C.M.P.No.1584 of 2024. Considering the same, the Court is inclined to grant Anticipatory Bail to the petitioner and the petitioner shall be released immediately on bail, in the event of arrest or on his appearance, with subject to the following conditions :-

[a] the petitioner shall appear before the **Judicial Magistrate II, Ponneri** within a period of fifteen days from the date on which the order copy made ready.

[b] 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.



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[c] 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.

**[d] 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.**

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

[f] the petitioner shall not abscond either during investigation or trial.

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

**22.05.2024**

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22.05.2024