



Crl.O.P.No.12248 of 2024

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C.SARAVANAN, J.

The petitioner apprehends arrest by respondent police for the alleged offence under Sections 379, 429 and 201 of Indian Penal Code, 1860 in Crime No.156 of 2024, the petitioner is before the Court and seeks an order of anticipatory bail under Section 438 of Cr.P.C.

2. The case of the prosecution is that on 04.05.2024 at about 03:00 AM, the accused – 1 to 3 indulged in theft of the defacto complainant's cow for the purpose of slaughter, therefore the respondent police arrested the accused – 1 to 3 and it is also alleged the petitioner herein, who arrayed as A4 has also indulged in the crime.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and no way connected to this case and the petitioner was not present in the scene of occurrence. It is also further submitted that the petitioner name was included in the Crime No.156 of 2024 and no over



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tact against this petitioner and also the co-accused were granted bail by the District Munsiff Cum Judicial Magistrate Court, Thiruporur in Crl.M.P.Nos.311 and 316 of 2024 on 15.05.2024. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other three accused had indulged in theft of a live cattle and later slaughtered it. He also submitted that the slaughtered meat was recovered and further submitted that the other accused A1 to A3 were arrested and subsequently, released on bail. However, he opposed for granting anticipatory bail to the petitioner.

5. Have considered the submissions of both counsels and considering the fact that the prima facie, there are indications that petitioner may have resorted to the crime committed along with other accused, however this Court is inclined to grant anticipatory bail to the petitioner with certain conditions as no useful purpose would be served by arresting the petitioner for custodial interrogation.



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6. Accordingly, the petitioner shall be released on bail in the event of arrest or on his appearance immediately on the following conditions :-

[a] the petitioner shall appear before the District Munsiff Cum Judicial Magistrate Court, Thiruporur 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.

[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 deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) to the credit of Crime No.156 of 2024 before the Magistrate concerned within a period of two weeks from the date of receipt of this order copy and the same shall be disbursed to the defacto complainant, if the case is proved against the petitioner herein.



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[e] the petitioner shall report before the respondent police as and when required for interrogation and directed to co-operate for the investigation.

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

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

[h] 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]**.

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

7. Considering the fact that the livelihood of the defacto complainant have been affected by the alleged act of slaughtering of the live cattle of the defacto complainant, the respondent is directed to expedite the investigation and trial pursuant to FIR in Crime No.156 of 2024.



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8. It is open for the defacto complainant to request the respondent to release the amount to be deposited by the petitioner subject to the defacto complainant executing necessary bond to secure the interest of the petitioner in case, if no case is made out against the petitioner herein. However, the defacto complainant is given liberty to recover the balance amount if any, from the petitioner and other accused, if the case against the petitioner and other accused is proved.

23.05.2024

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