



Crl.O.P.No.12257 of 2024

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C.SARAVANAN, J.

The petitioner apprehends arrest by the respondent police for the alleged offence under Section 379 of Indian Penal Code, 1860 in Crime No.259 of 2024, the petitioner is before this Court and seeks an order of anticipatory bail under Section 438 of Cr.P.C.

2. The case of the prosecution is that on 29.03.2024, the defacto complainant / Saravana Kumar had lodged a complaint before the respondent police stating that his two wheeler, which was parked outside of his house was missing on the next day. Hence the respondent police has registered a case against the petitioner herein.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the case. He also further submitted that the accused/ A1 had took away the two wheeler of the defacto complainant. Therefore, he prays to grant



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anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner herein along with other accused/ A1 had committed theft of defacto complainant's and the stolen two wheeler was recovered from A1. He also further submitted that a serious case against the petitioner is also pending in Crime No.535 of 2023 under section 307 other provisions of IPC, hence the petitioner is required for custodial interrogation, as the petitioner is propensity to commit crime. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Having considered the submissions of the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and considering the fact that in the previous case, no charge sheet has been filed so far against the petitioner, the Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall be released on bail in the



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event of arrest or on his appearance immediately on the following conditions :-

[a] the petitioner shall appear before the XV Metropolitan Magistrate Court, George Town, Chennai 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 is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Madras High Court Advocate Clerks Welfare Association, Chennai, A/c.No.484077244, Indian Bank, High Court Branch, IFSC Code:IDIB000M157**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.



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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, **if there is any failure on the part of the petitioner in co-operating for the investigation with the respondent, would intake an arrest by the respondent.**

[f] the petitioner 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.

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