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Crl.O.P.No.12799 of 2024

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S. SOUNTHAR, J.

The petitioner herein seeks anticipatory bail in Crime No.147 of 2024 registered by the respondent Police for the offence punishable under Section 392 of IPC.

2. The case of the prosecution is that on 29.04.2024 at about 12.30 P.M., while the de-facto complainant was travelling in her two wheeler, the petitioner along with other accused had snatched 4 sovereigns of gold thali chain from the de-facto complainant and thereby committed the offence of theft.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and has nothing to do with the alleged offence. He further submitted that out of 4 sovereigns of gold jewels said to have been theft by the petitioner, 31 grams have been recovered and one gram of gold jewel is not yet recovered. Hence, he seeks anticipatory bail to the petitioner.



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4. Learned Government Advocate (Criminal side) stated that the property has been recovered and there is no previous case against the petitioner.

5. Taking all the factors into consideration, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered 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 District Munsif cum Judicial Magistrate, Pochampalli** on condition that the petitioner shall execute separate 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 shall report before the respondent police everyday at 10.00.a.m., until further orders.



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[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]**;

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

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