



Crl.O.P.No.13646 of 2024

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T.V.TAMILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 454 and 380 of IPC, 1860 in Crime No.485 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with the other accused had broke open the defacto complainant's house and committed theft of 11 1/2 sovereigns of gold worth about Rs.1,25,000/- and liquid cash of Rs.3,000/-. Hence the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He also submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner along with other accused had committed theft of 11 1/2 sovereigns of jewels and so far, nothing is recovered. However,



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the two-wheeler belongs to the defacto complainant which was taken by the petitioner along with other accused, was recovered. Even then, the petitioner has used this vehicle. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the petitioner replied that the petitioner is an Advocate and without his knowledge he used the said vehicle.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also considering the fact that the petitioner is an Advocate and therefore, there is no possibility of the petitioner getting abscond and also of the fact that the vehicle of the defacto complainant has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate, Rasipuram, Namakkal District**, on condition



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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 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 Court concerned 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, 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 has been imposed and the petitioner is released on anticipatory bail by the learned



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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]; and;

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

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