



*Crl.O.P.No.27617 of 2024*

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023, in Crime No.507 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 11.09.2024 at around 07.00 p.m, the petitioner, along with the other accused, committed theft of one Cow worth about Rs.20,000/- from the house of the defacto complainant. Hence, the case.

4.The learned counsel for the petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would further submit that the stolen cow has been recovered. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



*Crl.O.P.No.27617 of 2024*

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5.The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused committed theft of a Cow from the defacto complainant. He would further submit that there are two previous cases against the petitioners, out of which, one case is pertaining to Cow theft. He would further submit that A1 and A2 were arrested and remanded to judicial custody. He would also submit that the stolen Cow was recovered. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

7.Considering the facts and circumstances of the case and considering that the stolen Cow was recovered, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 of receipt of a copy of this order, before the ***Judicial Magistrate Court,***



*Crl.O.P.No.27617 of 2024*

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**Chengam**, on condition 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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 269 BNS.

04.11.2024

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