



Crl.O.P.No.27890 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 306, 317(5) of BNS, 2023 in Crime No.850 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had stolen centring materials worth about Rs.13,00,000/- from the de facto complainant's shop. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is only a receiver of the stolen properties and without any knowledge about the stolen properties had received them from the other accused and thereby, committed offence of theft. 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 the grant of anticipatory bail to the petitioner.

3. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioner would submit that during the course of enquiry, the respondent police had recovered the stolen properties and the petitioner is the receiver of the stolen properties. He would further submit that no previous case is pending as against the petitioner.

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

5. Taking into consideration of the facts and circumstances of fact that the petitioner is only a receiver of the stolen properties and no previous case is pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate - II, Ponneri**, on condition that the petitioner shall execute a 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the Petitioner shall appear before the respondent police everyday at 6.30 p.m., for a period of two weeks and thereafter, every Saturday at 6.30 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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[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.

07.11.2024

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