

**Crl.O.P.No.28481 of 2024****A.D.JAGADISH CHANDIRA, J.**

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The petitioners, who apprehend arrest in connection with Crime No.215 of 2024, for the alleged offences punishable under Section 303(2) of BNS, 2023, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with the other accused committed theft of 20 meters of iron pipe from the defacto complainant worth of Rs.40,000/-. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the property has been recovered only from A1 and there is no recovery made from these petitioners. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and pray for grant of anticipatory bail to them.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for the grant of anticipatory bail to the



petitioners, would submit that the petitioners along with the other accused committed theft of 20 meters of iron pipe worth of Rs.40,000/-. He would further submit that A6 is having one previous case and A10 is having one previous case and that the others petitioners have no previous cases against them.

5. Heard the learned Counsel for the Petitioners and the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.

6.Considering the above facts and circumstances of the case; the submissions made by the learned counsel on either side; and also taking into consideration the fact that no recovery is made from the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are 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 **District Munsif cum Judicial Magistrate Court, Neyveli**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each



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 petitioners 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 petitioners shall report before the respondent police everyday at 6.30 p.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 of BNS.

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