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Crl.O.P.Nos. 28280 & 28246 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. in Crime No.155 & 154 of 2024, on the file of the respondent police respectively, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Mohan is that the petitioner had committed theft of radio remote units from the cellphone tower belonging to the defacto complainant's company. Hence, these cases have been registered in Crime Nos.155 and 154 of 2024 for the offence under Sec.379 of I.P.C.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and falsely implicated in these cases. He would submit that he was arrested for a similar offence in Crime No.225 of 2024 registered by the Cheyyur Police Station on 23.10.2024 and later he was released on bail on 17.11.2024. While so, the petitioner has been falsely implicated in this case registered by the respondent police, in which the accused is unknown. He would submit



Crl.O.P.Nos. 28280 & 28246 of 2024

that the petitioner is ready to abide by any condition that may be imposed on him. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioner submitted that there are four previous cases pending against him.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and the learned counsel for Intervenor and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that these cases have been registered against unknown accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 **learned**



Crl.O.P.Nos. 28280 & 28246 of 2024

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Judicial Magistrate, Vandavasi, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** 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 06.30 p.m. for the period of two weeks and thereafter, on every Saturday at 06.30 p.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.



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Crl.O.P.Nos. 28280 & 28246 of 2024

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

18.11.2024

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rpp

Crl.O.P.Nos. 28280 & 28246 of 2024

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