



Crl.O.P.No.30148 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with P.R.C.No.9 of 2023 for the offences punishable under Sections 342 & 397 of IPC, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are innocent and they were not aware of the case pending against them. He further submits that the case is of the year 2005 and the petitioners were not shown as accused in the First Information Report and they were not arrested during the investigation, however, the petitioners now understand that the respondent Police had filed the final report arraying them as an absconding accused and the final report has now been taken on file as P.R.C.No.9 of 2023 by the learned District Munsif cum Judicial Magistrate, Yercaud and warrant has been issued against the petitioners. He further submits that the



petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners along with other accused had committed theft of sandal woods by assaulting the watchman in the defacto complainant's estate. He further submits that the case is of the year 2005, the petitioners were not shown as accused in the First Information Report and they were not arrested during investigation. Now the final report has been filed showing the petitioners as absconding accused and the case now stands posted for committal in P.R.C.No.9 of 2023. He also submits that since the petitioners are shown as absconding accused, a warrant has been issued against them.

4.Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail



to the petitioners with certain conditions and accordingly, they 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Yercaud 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall appear before the learned District Munsif cum Judicial Magistrate, Yercaud daily at 10.30 a.m., for a period of two weeks and thereafter on the dates fixed by the learned Magistrate;

[c] the petitioners shall not abscond during trial and shall co-operate for speedy disposal of the trial;

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

[e] the petitioners shall not abscond either during investigation or trial;



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[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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