



Crl.O.P.No.28463 of 2023

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C.V.KARTHIKEYAN, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 451 and 380 of I.P.C in Crime No.343 of 2023, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner/accused had stolen cheques, Transfer Certificate, Degree Certificate and cash Rs.80,000/- from the house of the defacto complainant.

3. The learned counsel for the petitioner stated that the petitioner did not take any documents from the defacto complainant's house and he is suffering from 60% locomotor disability. It is stated that he cannot stand without third person assistance and an affidavit to that effect has been filed before this Court. He further contended that the defacto complainant had mortgaged her house with the Bank and obtained a loan.

4. There are two version. One is that the property was mortgaged in the bank and the other one is that the petitioner had stolen the document. These versions have to be tested during the course of trial. The affidavit filed by the petitioner may be taken note by the learned Judge before passing final order.



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5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail subject to the following conditions:

6. 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 the **learned Judicial Magistrate- I, Kallakurichi** 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 this Court 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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either



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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 229A IPC.

02.02.2024

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