



Crl.O.P.No.30963 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.347 of 2024 registered for the offence punishable under Section 303(2) of BNS, 2023, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per defacto complainant is that, he worked as an LAT Engineer and is now involved in agriculture. On 19.10.2024, at about 10.00 a.m., while he was cleaning his house, he discovered that the Power Drill's iron rod was missing. Earlier, on 08.09.2024, his Five goats had gone missing. Subsequently, due to suspicion, the defacto complainant filed a complaint against Ayyappan and Arumugam. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. She would submit that based on the confession statement given by the co-accused/ A-1 & A-2, the petitioner was implicated in this case. She would submit that, the name of the petitioner herein was not found in the FIR. She would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



Crl.O.P.No.30963 of 2024

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, is that, the accused committed theft of Power Drill's iron rod and five goats belongs to the defacto complainant. He would submit that co-accused A-1 and A-2 was arrested and still in custody, petitioner is arrayed as A-3 and he has three previous cases. He would further submit that the Power Drill's iron rod was recovered and that the goats were not recovered from the accused.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain 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, Sankarapuram**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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



Crl.O.P.No.30963 of 2024

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 report before the respondent police everyday at 10.30 a.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;

[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 of B.N.S.

17.12.2024

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Crl.O.P.No.30963 of 2024

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