



Crl.O.P.No.28617 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/third accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 407, 408, 420, 435 of IPC in Crime No.328 of 2023, seeks anticipatory bail.

2. The learned counsel for the petitioner stated that he has been falsely implicated as an accused in this case. He is innocent. He further stated that A1 and A2 had been taken into custody and also been released on bail. Thus, he seeks bail to the petitioner.

3. The facts of the case are quite alarming. It is stated that the accused persons had taken away the lorry of the defcto complainant which contains cotton and sold half of the cotton. Then they burnt the lorry and projected that it was a case of accident. But the investigation revealed that the accused had deliberately burnt the lorry and the cotton.

4. The earlier application seeking anticipatory bail in Crl.O.P.No. 24196 of 2023 had been dismissed on 20.10.2023. The one change in circumstance is that the respondent have insisted that it is not only the petitioner but also other accused, were involved in the offence. It is contended that information regarding the other accused should be disclosed by the petitioner.



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5. The learned counsel for the petitioner stated that there are two other accused, who are Paul Anand and Kamalesh from Thiruchengode, near Sangagiri.

6. Let the respondents proceed with necessary investigation.

7. In view of these particular facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate Court No.I, Sankari, Salem District, on condition that the petitioner shall execute a 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 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 daily at



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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 229A IPC.

C.V.KARTHIKEYAN, J.

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9. During the course of appearance, the petitioner may give details of the said named accused and the respondent police may verify the same and if the petitioner had not given the correct facts, then the respondents are at liberty to file necessary application to cancel this order.

28.01.2025

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