



Crl.O.P.No.23570 of 2022

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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 Sections 294(b), 506(i) and 392 of IPC in Crime No.96 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Rajavelu is that on 13.08.2022 during night time around 8.30 p.m. while he parked his two wheeler to attend a phone call, 3 named persons had assaulted him and robbed his mobile phone and bike from him. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and on suspicion, the Respondent Police are attempting to arrest him. He would further submit that the fact remains that the defacto complainant had come to the petitioner's village along with another girl in the bike during night time, when it was questioned by the petitioner, the defacto complainant had given a false complaint against the petitioner. He further submitted that the incident is



said to have taken place on 13.08.2022 at 8.30 p.m and the complaint was given belatedly on the next day at 8.00 p.m and that the petitioner has not committed any offence as alleged by the prosecution and the petitioner undertakes to appear before the Respondent police and co-operate for further investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the accused had assaulted the defacto complainant and robbed his mobile phone and that the property has still not been recovered . He would further submit that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail with certain conditions.



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Kumarapalayam, Namakkal District** on condition that the petitioner shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 twice daily at 10.30 a.m., and 5.30 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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[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.

18.10.2022

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