



Crl.O.P.No.28744 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 323, 354(b), 366, 392 and 506(ii) of IPC in Crime No.206 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant *Saratha* is that the accused were known to her and they had threatened her and kidnapped her in a two-wheeler and taken away her Redmi cellphone from her and they have ran away from the scene of occurrence when the public gathered. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner and the *de-facto* complainant are known to each other and from the reading of the FIR would show the artificiality of the case. He would also submit that there is one previous case pending against him. He would further submit that the Inspector has insisted him to appear before him, but the petitioner did not appear, therefore, a false case has been



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given against him. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused waylaid the *de-facto* complainant and two-wheeler and when she raised an alarm, they left her and taken away her Cellphone and cash of Rs.1,500/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, 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, Arakkonam**, on condition that the petitioner shall



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execute a 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 everyday at 10.30 a.m. and 05.30 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.

01.12.2022

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