



Crl.O.P.No.28511 of 2022

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WEB C **G.K.JILANTHIRAIYAN, J.**

The petitioner, who apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 324, 506(ii), 392, 395 IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 IPC, in Crime No.469 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. There are totally ten accused in this case, in which the petitioner is arrayed as A8. The case of the prosecution is that the petitioner along with others, in drunken mood, have waylaid the defacto complainant's lorry, attacked the defacto complainant, grabbed his laptop and cell phone and robbed a sum of Rs.99,000/- from him. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that this is the second anticipatory bail petition filed by the petitioner. Earlier petition filed by the petitioner was dismissed by this Court on 26.08.2022, in Crl.O.P.No.20304 of 2022. He also submitted that the other accused were arrested and remanded to judicial custody. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent submitted that petitioner along with others have waylaid the defacto complainant, attacked and grabbed a sum of Rs.99,000/- from him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Though, this Court had dismissed the earlier petition filed by the petitioner, the respondent failed to secure the petitioner so far. Therefore, no purpose would be served if the anticipatory bail petition filed by the petitioner is kept pending. The investigation is also pending.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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-II, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related sureties** each



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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 10.30 a.m., and 05.30 p.m, for a period of six weeks and thereafter as and when required for interrogation.

[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.

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