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Crl.O.P.No.30501 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Section 399 of IPC in Crime No.157 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner along with four others were roaming in a suspicious manner with weapon near Veenangeni to Kottagam road. When the respondent police enquired them they disclosed that they came to rob the lorry carrying old iron scraps, one of the accused has confessed that this petitioner has abetted them to commit the said crime. The respondent police arrested all the five accused. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner submitted 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 and on earlier occasion this Court in Crl.OP.No.9854 of 2022 dated 28.04.2022 granted anticipatory bail to the petitioner, however the petitioner was unable to execute the sureties on time, hence he filed time extension petition in



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Crl.MP.No.13764 of 2022 on 02.09.2022 and the same was ordered by this Court. Again, the petitioner was unable to execute the sureties on time due to illness. Hence he filed the present anticipatory petition. He further submitted that the materials have been recovered and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioner along with four others tried to rob the lorry carrying old iron scraps. He further submitted that the materials have been recovered. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif Cum Judicial Magistrate, Neyveli, 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



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[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 is directed to report before the respondent police **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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