

Crl.O.P.No.30877 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 399 IPC in Cr.No.365 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. There are totally five accused in this case, in which the petitioner is arrayed as A5. The case of the prosecution is that the petitioner along with other accused planned to commit dacoity and on seeing the defacto complainant, they few away. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that he is an innocent person and he has been falsely implicated in this case. He would further submit that all other accused have been arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner along with other accused planned to commit dacoity and on seeing the defacto complainant, they few away. He



would submit that the investigation has been completed. However, there is one previous case pending against the petitioner and he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and that the investigation has been completed and that it is a case of the year 2021, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Vanur** 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 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 Court concerned 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 every Sunday at 10.30 a.m. for a period of eight weeks and thereafter, appear before the trial Court on all hearing dates.

(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 anticipatory 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

16.12.2022

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