



Crl.O.P.No.32009 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 395 of IPC in Crime No.35 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that some unknown persons have abused and assaulted the defacto complainant with hands and they have taken away the cellphones worth about Rs.11,700/- from him. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is a college student and he has nothing to do with the alleged offence. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of **Rs.5,000/- (Rupees Five Thousand Only)** to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that



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some unknown persons have abused and assaulted the defacto complainant with hands and they have also taken away the cellphones worth about Rs.11,700/- from him. From which, one mobile phone has been recovered by the respondent police. However, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also the age of the petitioner, 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, Ambathur** on condition that the petitioner shall execute a bond for a separate 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 further



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condition that:

[a] the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** to the credit of the crime number within a period of two weeks from the date on which the order copy made ready, before the **learned Judicial Magistrate, Ambathur;**

[b] 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;

[c] the petitioner shall report before the respondent Police on every Wednesday at **10.30a.m. for a period of eight weeks;**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.12.2022

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