

**Crl.O.P.No.32387 of 2022****A.A.NAKKIRAN, J.**

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The petitioner who apprehends arrest for the alleged offence under Sections 341, 323 & 392 of IPC in Cr.No.382 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with two other persons jointly assaulted the defacto complainant and robbed 1½ sovereigns of gold chain worth about Rs.50,000/- and Cell Phone worth about Rs.12,000/- from the defacto complainant on 13.12.2022. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The learned counsel appearing for the petitioner further submitted that based on the confession statement given by the co-accused, the petitioner is arrayed as A2 and there is no other evidence to connect the petitioner into this crime.

4.The learned Government Advocate (Crl.Side) submitted that A1 and A3 were arrested and they were still in judicial custody. He further submitted that except some of the jewels, other articles have been recovered from the accused



persons. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering facts and circumstances of the case and there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Arakkonam**, 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 daily at 10.30 a.m. for a period of four 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]*; and;

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

28.12.2022

ssr/bkn

To:

1. Judicial Magistrate, Arakkonam,
2. The Sub-Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Ranipet District.
3. The Public Prosecutor,
Madras High Court.



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