



CrI.O.P.No.130 of 2023

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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 Sections 294(b), 394, 397 and 506(ii) of IPC in Crime No.326 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons were found plucking ear phones from a boy and when the same was questioned by the defacto complainant, they attacked him with knife and snatched his mobile phone and case of Rs.5,000/-. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that the co-accused in this case has been enlarged on bail in C.M.P.No.5939 of 2022. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) for the respondent would submit that the accused persons were found plucking ear phones from a boy and when the same was questioned by the defacto complainant, they attacked him with knife and snatched his mobile phone and case of Rs.5,000/-. He would further submit that there are three previous cases pending against him. However, he opposed for grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that without prejudice, the petitioner is ready and willing to pay a sum of Rs.5,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of anticipatory bail to the petitioner.

6.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the co-accused have already been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain



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conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the Registered Advocate Clerk Association, Coimbatore** and on such receipt and receipt of proof of payment, 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 No.V, Coimbatore, 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 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.



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[b] the petitioner shall appear before the respondent Police on every Wednesday at 10.30 a.m., for a period of eight weeks.

[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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