



WEB COPY



Crl.O.P.No.639 of 2023

Crl.O.P.No.639 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 399 of IPC in Crime No.355 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, Sub-Inspector of police, on receipt of the information along with his police party went to the corporation ground on 05.12.2022 at about 4.30 a.m and found five persons were preparing themselves for dacoity in the morning hours from the public who were coming for purchase of fish in the fish market. When the police team intercepted them four persons were caught and this petitioner, A5 escaped from the spot. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the alleged offence.



Crl.O.P.No.639 of 2023

He further submit that all the four co-accused have released on bail.

Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there are totally four accused and this petitioner is arrayed as A5. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own violation agreed to contribute some amount for charitable purpose, 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 before the **learned XVI M.M.George Town, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)**



CrI.O.P.No.639 of 2023

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 petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the **Madras High Court Advocate Clerks Association, Chennai**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[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 is directed to report before the respondent police alternative days for a period of eight weeks and thereafter as and when required for interrogation;**

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

[e] the petitioner shall not abscond either during



WEB COPY



Crl.O.P.No.639 of 2023

T.V.THAMILSELVI,J.

vsn

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.

12.01.2023

vsn

Crl.O.P.No.639 of 2023