



Crl.O.P.No.1150 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 395 of IPC and 4(2), 8 TN Gaming Act, 1930, in Crime No.445 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner has borrowed a sum of Rs.5000/- from him and when he asked to return the same, the petitioner asked him to come to the club to collect money, where he indulged in gambling. While so, the accused, at knife point, had committed theft of Rs.40,000/- and a mobile phone from the de-facto complainant. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and ha has been falsely implicated in this case. He further submitted that the theft was committed by some unknown persons and the petitioner is no way connected with the alleged occurrence. He further



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submitted that the petitioner is a heart patient taking treatment and also stated that he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has borrowed a sum of Rs.5000/- from the de-facto complainant and for repayment of the same, he invited the de-facto complainant to the rummy club, wherein he along with the other accused committed theft of Rs.40,000/- and a mobile phone from the de-facto complainant. He also stated that only the mobile phone was recovered from the accused. Hence, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit the amount of Rs.10,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.



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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner is volunteered to pay a sum of Rs.10,000/- to the credit of the Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 XIII Metropolitan Magistrate, Egmore, Chennai**, 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



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satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stands dismissed and on further condition that:

**[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.445 of 2022 before the learned XIII Metropolitan Magistrate, Egmore, Chennai, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;**

[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 10.30 a.m. for a period of three months 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 investigation or trial;



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[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.

**20.01.2023**

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