



Crl.O.P.No.1883 of 2023

Crl.O.P.No.1883 of 2023

WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 147, 148, 294(b), 392, 397 and 506(ii) of IPC in Crime No.329 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with five other accused have threatened the defacto complainant and robbed a sum of Rs.2,500/-, Mobile worth Rs.4,000/- and has also threatened him with knife point. Based on the complaint preferred by the defacto complainant, the case has been registered against the petitioner and five others.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that this is the fifth anticipatory bail petition filed by the petitioner. He vehemently contended that the previous cases as against the petitioner are all put up cases. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the



CrI.O.P.No.1883 of 2023

petitioner is a history sheeter and so far he was involved in 8 previous cases.

Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of records revealed that the petitioner was granted anticipatory bail in a similar FIR registered in Crime No.105 of 2021, on the file of the Sub-Inspector of Police, Vellore South Crime Police Station. Though, this Court dismissed the earlier petition filed by the petitioner, the respondent failed to secure the petitioner so far. Therefore, no purpose would be served if the anticipatory bail petition filed by the petitioner is kept pending. The investigation is also pending.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 No.IV, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related sureties** each



Crl.O.P.No.1883 of 2023

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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.m, until further orders.

[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]**.

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.O.P.No.1883 of 2023

mn

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

06.02.2023

mn

Crl.O.P.No.1883 of 2023