



Crl.O.P.No.3158 of 2023

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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, 294(b), 392, 397 and 506(ii) of IPC, in Crime No.397 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused waylaid the defacto complainant and abused him in filthy language and snatched Rs.950/- from the defacto complainant. Hence, the complaint.

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 fourth anticipatory bail petition filed by the petitioner. Earlier petitions filed by the petitioner were dismissed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner is having five previous cases pending against him and there is no change of circumstances after the previous dismissal orders passed by this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Though, this Court had dismissed the earlier petitions 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 X 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 blood related 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



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Aadhar card or Bank pass Book to ensure their identity.

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[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]**.

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

20.02.2023

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