



Crl.O.P.No.3499 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Section 392 of IPC in Crime No.804 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A3 in this case. One S. Karthick / defacto complainant is running a tea stall near Redhills, Vadakarai, who lodged a complaint before the Inspector of Police, M4 Redhills against the petitioner alleging that the petitioner and other accused persons robbed the mobile phone and money of the de-facto complainant at the knife point and ran away from the place of occurrence.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he never committed any offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner attacked the defacto complainant using knife and robbed



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the mobile phone and left the place of occurrence. He also submits that the investigation was almost completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner is arrayed as A3 in this case, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate II, Ponneri**, on condition that each of the petitioner shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each (one of which shall be a blood related surety) 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:



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[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 for alternative days at 10:30 a.m. for a period of two months;

[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]**;

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

15.02.2023

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