



CrI.O.P.No.4307 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 392 and 397 of IPC, in Crime No.191 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that, on 04.09.2022, when the *de-facto* complainant along with his father carrying cash bag containing a sum of Rs.52 lakhs to disburse the same to the whole sale dealers, the petitioner along with other accused have waylaid them and snatched the cash bag from them by assaulting the *de-facto* complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that this is the third anticipatory bail application of the petitioner before this Court and this Court had dismissed the earlier anticipatory bail applications filed by the petitioner on the ground that the amount was not recovered from the accused. He would also submit that though petitioner is the driver of the accused person, he is no way connected with the alleged offence. He



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would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is the member of Tiruchi Ramji Nagar gang and he along with other accused have followed the *de-facto* complainant and his father and by assaulting them, robbed the cash bag, containing a sum of Rs.52 lakhs. He would also submit that this the third anticipatory bail application filed by the petitioner. He would further submit that the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. 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 **Judicial Magistrate Court at Ooty**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (out of which, one surety must be a blood surety) 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner is directed to appear before the respondent police daily at 10.30 a.m. for a period of three months;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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.

27.02.2023

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