



CrI.O.P.No.4354 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 392 and 394 of IPC in Cr.No.141 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the de-facto complainant was selling tea in the Railway Station, the petitioner along with other person demanded cellphone from him, when the same was refused by the de-facto complainant, they snatched the cellphone of worth about Rs.2,000/- and a cash amount of Rs.1,000/- from the de-facto complainant and attacked him, due to which, the de-facto complainant sustained injuries and got admitted in the hospital. Hence, this complaint.

3. Learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that he will abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submits that there are eight previous cases pending against the petitioner and the properties are not recovered. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that the investigation is almost completed and also the fact that the petitioner is ready and willing to deposit a sum of Rs.3,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.141 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial Magistrate, Arakonam**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties



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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 shall deposit a sum of Rs.3,000/- (Rupees Three Thousand Only) to the credit of Cr.No.141 of 2022 before the learned Judicial Magistrate, Arakonam, within a period of four weeks from the date of receipt of a copy of this order and the defacto complainant is permitted to withdraw the above said amount on proper identification and by filing an affidavit of undertaking before the trial Court.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 Tuesday at 10.30 a.m. for a period of eight weeks;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(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 anticipatory 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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