



Crl.O.P.No.4639 of 2023

Crl.O.P.No.4639 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 392 & 397 IPC in Crime No.191 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on 04.09.2022, while the de-facto complainant along with his father carrying the cash bag containing the amount of Rs.52 lakhs to disburse it to the whole sale dealers, the petitioner along with the other accused waylaid the de-facto complainant and his father and by assaulting him with weapon, taken away the cash bag from them. Hence the complaint.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not commit any offence as alleged by the prosecution. He would also submit that he 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 Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the member of the gang and the



Crl.O.P.No.4639 of 2023

petitioner along with the other accused have followed the de-facto complainant and his father, who were carrying the cash bag to disburse the amount to whole sale dealers, knowing that they have been carrying the cash bag, waylaid them and by assaulting them, taken away the cash bag which contains Rs.52 lakhs from them. He would further submit that the petitioner who has diverted the de-facto complainant. He would also submit that only a sum of Rs.90,000/- has been recovered and the balance amount is yet to be recovered and also some of the accused are yet to be apprehended. He would further submit that the investigation is almost completed. Therefore, he vehemently oppose to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, I am 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate,**



Crl.O.P.No.4639 of 2023

Nilgiris on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two 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 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 stay at Udthagamandalam District and report before the respondent Police, daily 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].

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

gbi

02.03.2023



WEB COPY



Crl.O.P.No.4639 of 2023

T.V.THAMILSELVI, J.

gbi

Crl.O.P.No.4639 of 2023

02.03.2023