



CrI.O.P.No.5037 of 2023

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A.D. JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 392 of IPC in Crime No.5 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant K.Babu is that his son along with his friend had gone to play Cricket in the play ground near Meenambakkam Railway Station and at that time, four unknown persons, who could be identified, had threatened his son and his friend, had robbed their cell phones and Rs.110/- cash from them. Hence the case.

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 and he has been falsely implicated in this case, since the respondent Police suspects that the petitioner is friend of the other arrested accused. He would further submit that other than the



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Confession Statement recorded from the arrested accused, there is no material available as against the petitioner. He would further submit that the co-accused/other persons have been arrested and enlarged on bail. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court, since because the petitioner has one previous case, in which, he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with his friends had committed robbery of two cell phones and Rs.110/- cash from the de facto complainant's son and his friend. He would further submit that the petitioner has been implicated in this case based on the Confession Statement recorded from the arrested accused, from whom, one cell phone is recovered. He would further submit that there is one previous case pending against the petitioner similar in nature. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration of the facts and circumstances of the case, the submissions made on either side, 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 Judicial Magistrate, Alandur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties, in which, one surety should be either mother or father of the petitioner**, 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:



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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 everyday at 10.30 a.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.

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