



Crl.O.P.No.5120 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 offences punishable under sections 341, 323 and 392 IPC in Crime No.53 of 2020, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Sampathkumar is that on 09.03.2023 while he was returning from his job at around 11.50 p.m., three unknown persons have waylaid him and threatened him with knife and robbed a sum of Rs.15,000/- cash, a Redmi note 5 pro mobile, head set, pan card, Aadhar card, driving licence, voter ID from him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession recorded from the arrested accused. He would further submit that from the arrested accused, all the items have been recovered except the said cash and subsequently, they were also released on bail. He would further submit that the investigation has been



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completed and the final report has also been filed and now the case has been taken on file in CC.No.49 of 2021 on the file of the District Munsif cum Judicial Magistrate, Uthiramerur, Kancheepuram District and that the case stands posted on 10.04.2023 for appearance of the petitioner. He further submit that the custodial interrogation of the petitioner may not be required and that the petitioner is ready to appear before the concerned Court and to co-operate for trial. Hence, he would seek grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) raised objection to grant anticipatory bail to the petitioner stating that the petitioner along with two other accused have waylaid the defacto complainant during night hours and robbed a sum of Rs.15,000/- cash, mobile phone and other documents from him. He would further submit that the final report has already been filed and that the petitioner has been shown as an absconding accused and the case has been taken up for hearing in CC.No.49 of 2021 and summon has also been issued to the petitioner for his appearance on 10.04.2023.



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5. Heard perused the materials available on record.

6. Taking into consideration the facts and the submissions and that the investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioner.

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, Uthiramerur**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties **out of which one shall 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 District Munsif cum Judicial Magistrate, Uthiramerur, Kancheepuram District on all working days at 10.30 a.m., for a period of two weeks and thereafter on the date fixed by the learned Judicial magistrate.

[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.

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