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Crl.O.P.No.5350 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 Section 392 IPC, in Crime No.57 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had waylaid the defacto complainant and snatched the mobile phone from him by threatening. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that based on the confession recorded from the other accused, the petitioner has been roped in this case and no previous case is pending against him. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate(Crl.Side) appearing for the respondent Police would submit that the petitioner along with his friends waylaid the defacto complainant and snatched the cell phone from him. He would further submit that A1, A2 and A5 have been arrested and the cell phone has been recovered from them. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record including the FIR.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, 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-II, Kallakuruchi, on condition that the petitioner shall



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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, 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 shall report before the respondent Police daily at 10.30 a.m, and 5.30 p.m., until further orders.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

09.03.2023

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