



Crl.O.P.No.5356 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, 294(b), 323, 392 and 506(ii) of IPC, in Crime No.406 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Karunagaran is that one Sathish along with his two other friends waylaid the defacto complainant and threatened him and also robbed an amount of Rs.3,500/- from him. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He would submit that admittedly the petitioner has got few previous cases against him and only in order to put fetters on him, the respondent has filed this false a case against him. He would submit that a reading of the FIR itself would expose the falsity of the case and thereby he seek 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 is a habitual offender against whom there are six previous cases and that he along with two other persons had waylaid the defacto complainant and robbed an amount of Rs.3,500/- from him. He would submit that A1 and A2 have been arrested and enlarged on bail. However, 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



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Judicial Magistrate-II, Tiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 5.30 p.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;



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[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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