



Crl.O.P.Nos.5364, 5361 & 5384 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner in Crl.O.P.No.5364 of 2023 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 336, 341, 397 and 506(ii) of IPC, in Crime No.178 of 2022, seeks anticipatory bail.

The petitioner in Crl.O.P.No.5361 of 2023 who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.173 of 2022, seeks anticipatory bail.

The petitioner in Crl.O.P.No.5384 of 2023 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 427 and 506(ii) of IPC, in Crime No.440 of 2022, seeks anticipatory bail.

2(i). The case of the prosecution in Crl.O.P.No.5364 of 2023, as per the defacto complainant Abdul Khadar is that on 13.05.2022 around 8.10 p.m., when the defacto complainant was coming near



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Kuthambakkam KF Beer company in a two wheeler, at that time, some unknown persons have waylaid him and one person called himself as High Court Maharaja and robbed a sum of Rs.1,500/- from his pocket and threatened him with knife and when he raised alarm, they took some cool drink bottles from the nearby shop and on seeing the public, they ran away from the spot. Hence, the case.

2(ii).The case of the prosecution in Crl.O.P.No.5361 of 2023, as per the defacto complainant Soundar is that, he is the van driver. On 09.05.2022 at 7.30 p.m, when he was coming near Kuthambakkam Big basket company, he stayed his vehicle, to attend the phone call, at that time, some unknown person robbed his mobile phone. Hence, the case.

2(iii).The case of the prosecution in Crl.OP.No.5384 of 2023, as per the defacto complainant Suresh is that on 20.10.2022 around 8.00 p.m, one Rakesh along with his friends had threatened him and also assaulted him with knife. Hence, the case.



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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely robbed in all three cases. He would further submit, admittedly the petitioner has one previous case registered in Crime No.440 of 2022 for the offence under Sections 341, 427 and 506(ii) of IPC and the petitioner had approached this Court for seeking anticipatory bail and he has been granted anticipatory bail in Crl.OP.No.27150 of 2022 dated 11.11.2022 and thereby rantaganized by the same, the respondent police has wrongly implicated the petitioner's name in cases where the accused was not known. He further submit on the very reading of the FIR shows that the petitioner has been foisted only for the purpose of detaining the petitioner under Section 14 of Act 1884, and thereby he seeks anticipatory bail for the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner is a habitual offender against there are two previous cases and in this three cases, the person who has involved with other accused and thereby he opposed for grant of anticipatory bail to the petitioner.



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

6. Taking into consideration of the facts and 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 No.II, Poonamallee**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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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 Dharmapuri and report before the Inspector of Police, Dharmapuri Police Station twice everyday 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;

[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;

10.03.2023

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