



Crl.O.P.No.5632 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 384 and 506(i) of IPC, in Crime No.372 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant J.Sharmila is that the petitioner along with three other accused trespassed into the house and threatened the de-facto complainant and her children and two other friends, who were living in the de-facto complainant's house. On 10.12.2022, A1 to A3 went into the de-facto complainant's house, closed the door and locked the latch. A1 to A3 threatened the de-facto complainant and extorted the money and phone from the de-facto complainant and two others and ran away. Hence the complaint.

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



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based on the confession statement recorded from the arrested accused.

He would further submit that there was a dispute between the de-facto complainant and the other arrested accused and the de-facto complainant has given a false complainant against the petitioner. He would further submit that the arrested accused have been enlarged on bail and thereby, he would seeks for grant of anticipatory bail to the petitioner. He would further submit that even as per the FIR, only three persons said to have been entered into the house and the petitioner has not gone inside the house. He would also submit that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner/A4 is the associate of the other three accused/A1 to A3. The other accused/A1 to A3 had entered into the house of the de-facto complainant, robbed a sum of Rs.2,500/- and cell phones from the de-facto complainant at knife point



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and also robbed a sum of Rs.9,000/- from her. He would further submit that the petitioner/A4 waiting outside the house of the de-facto complainant, watching over the movements and he is the receiver of the stolen property. He would further submit that there are three previous cases pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and also the submission of both sides, 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.V, Egmore**, on condition that the petitioner



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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 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 every day 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



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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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