



Crl.O.P.No.5715 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 offence punishable under section 379 IPC in Crime No.8 of 2021, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Baskaran is that on the date of occurrence, while he was travelling to Koyembedu with cash of Rs.5,15,000/-, an unknown lady, had invited him for prostitution and when he refused the same, she had threatened him stating that she would raise alarm as if he pulled her hands. Later, she along with other accused, took him in an Auto rickshaw and made him to withdraw money from ATM and also took away his bag containing the cash of Rs.5,15,000/-. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that even as per the complaint the defacto complainant has stated about an unknown lady and subsequently, one



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Amutha was earlier arrested in this case and the said Amutha was also granted bail by this Court in Crl.O.P.No.2709 of 2023 dated 08.02.2023.

Now the petitioner has been implicated in this case based on the confession recorded from the said Amutha. He would submit that the petitioner was not at all present at the scene of occurrence on the date of occurrence. Hence, he prays to grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit the petitioner is an associate of the main accused. She along with other accused used to threaten the gullible victims as if, they called them for prostitution and subsequently, they would take them to a secluded place and would rob their cash and other valuable items from them. He would submit that there is no previous case against the petitioner and the case has been registered during the year 2021. Hence, he opposed for grant of anticipatory bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned VII Metropolitan Magistrate, George Town, Chennai**, 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 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

15.03.2023

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