



Crl.O.P.No.5753 of 2023

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 384, 506(i) of IPC in Crime No.121 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant/Manikandan is that he and the accused were involved in the business of dealing with old coins, during December 2022, the petitioner and the other accused had purchased Rs.1lakh worth of old coins and not repaid the amount. Whiles, on 30.01.2023 the defacto complainant went to meet the accused in a lodge at Tambaram, the accused threatened the defacto complainant and taken the cash of Rs.1,18,000/-, vivo mobile phone and Scooty bearing Registration No.TN19 AE 3741. 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. He would submit that admittedly, there was a financial dispute between the parties, absolutely there is no material that the defacto complainant has handed over the coins to the accused. He would also submit that the petitioner is a chronic kidney patient and undergoing treatment in MGM



healthcare hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the defacto complainant had given old coins to the petitioner and other accused, when he approached them to collect money, they threatened him and snatched a sum of Rs.1,18,000/-, Vivo mobile phone and Scooty bearing Registration No.TN19 AE 3741. The case is under investigation, the stolen cash and the articles are yet to be recovered. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by either sides and also taking note of the fact that there is no previous case as against the petitioner, 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 IX Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only)



with two sureties 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30a.m., for a period of two weeks and thereafter on every Saturday 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.

With the above directions, this Criminal Original Petition is ordered.

17.03.2023

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