



Crl.O.P.No.6041 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, 336, 427, 392, 397 and 506(ii) IPC in Crime No.41 of 2023, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Udayakumar is that the named accused who are from that area, are threatened him stating that they are jail birds and they can do anything and thereby, they have assaulted him by threatening with aruval and robbed an amount of Rs.450/- from him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that admittedly there are 12 previous cases against the petitioner, out of which, in 10 cases the petitioner has been acquitted. Now the respondent in order to put fetters on him, has filed a false complaint through the defacto complainant. He would submit that a very



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reading of the FIR would go to show that it is a case foisted for the purpose of detaining the petitioner. Hence, he prays to grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit the petitioner is a notorious element in the area and he along with other accused had threatened the defacto complainant with aruval and robbed an amount of Rs.450/- from him. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the 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.



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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, Ambattur**, 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.

[b] the petitioner shall report before the respondent police everyday at 9.00 a.m., and 6.30 p.m., until further orders.



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[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.

17.03.2023

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