



Crl.O.P.No.6206 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 399, 402 of IPC, in Crime No.26 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant B.Kumar, Sub Inspector of Police, is that on 14.01.2023, when the respondent police was on routine check up, they found the petitioner along with 9 other persons involved in preparation of committing dacoity. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and the fact remains that the petitioner is having seven previous cases against him and only in order to put the petitioner under fetters, the respondent has filed a false complaint against him. He further submit that the reading of the FIR would show that it is the case foisted for the purpose of detaining the petitioner. He further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner .



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with 9 other persons were found in preparation of committing dacoity. He further submit that the petitioner has got seven previous cases pending before the respondent police. Hence, he vehemently opposed to grant anticipatory bail to the petitioner .

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

6.Taking into consideration the above facts and circumstances of the case and the submissions made by the learned counsel on either side, 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 XV 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



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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 stay at Madurai and report before Othakadai Police Station, 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



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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;

21.03.2023

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