



Crl.O.P.No.6213 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 399 IPC in Crime No.51 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 29.01.2023, when the police attached with the respondent police station engaged in their duty to prevent crimes, they found that the petitioner along with other accused were preparing themselves to commit robbery and they were also in possession of deadly weapons like, knives, iron rods and wooden logs. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against him. He would submit that the fact remains that the petitioner is stated to be a member of the Kancheepuram Sreedar Gang and the petitioner has also got previous case and thereby in order to keep the petitioner under fetters, a false case has been registered. He would submit



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that even in the complaint, the defacto complainant stated to have threatened him and the respondent police have used the petty shop owner to foist this case. He would submit that the respondent has also registered yet another case against the petitioner in Crime No.93 of 2023. 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 petitioner is a member of the Kancheepuram Sreedar Gang and the petitioner along with other accused were preparing themselves to commit robbery and they were also in possession of deadly weapons like knives, iron rods and wooden logs. Hence, he opposed to grant anticipatory bail to the petitioner.

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

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 subject to the



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following 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-I, Kanchipuram**, 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall stay at Theni and report before the Theni Town Police Station every day at 10.30 a.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.

31.03.2023

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