



Crl.O.P.No.6390 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 alleged offence punishable under section 399 of IPC in Crime No.14 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that one V.Aruldoss, Sub Inspector of Police found the petitioner along with two other accused by making preparation for committing dacoity and on seeing the police, two persons were ran away from the scene of occurrence and thereafter, one Ragavan/A1 was arrested. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the said prosecution. He would submit that the petitioner is having two previous cases against him, due to which he under fetters and a false case has been foisted. He would further submit that he is ready and willing to abide by any stringent conditions that may be imposed on him. Hence, he would seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate(Crl.Side) raised an objection to grant anticipatory bail to the petitioner stating that the petitioner is a habitual offender. There are two previous cases pending against him. The petitioner, along with two other accused, was making preparation for committing dacoity and on seeing the police, he ran away from the scene of occurrence.

5.Heard perused the materials available on record.

6. Taking into consideration the facts and the submissions of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.II, Kancheepuram**, 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



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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 daily Morning at 9.00 a.m. and Evening at 6.30 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 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]**.



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

24.03.2023

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