



Crl.O.P.No.6896 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Section 392 of IPC in Crime No.180 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.03.2014, the petitioner along with other accused snatched the bag of the defacto complainant which was containing 450 grams of gold and cash of Rs.3 lakhs which was hanged in the right side handle of his two wheeler. Hence the case.

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. The alleged occurrence is stated to have taken place during the year 2014 and in this case, A1 was arrested and later, he was enlarged on bail. He would further submit that the name of the petitioner does not find place in the First Information Report and now the respondent police have completed the investigation and also filed the final



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report, wherein, they have implicated the name of one Rajesh @ Rajasekaran and they are searching for the petitioner, hence, the petitioner apprehending arrest, has filed this petition. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner along with other accused snatched the bag of the defacto complainant which was containing 450 grams of gold and cash of Rs.3 lakhs which was hanged in the right side handle of his two wheeler. He would further submit that there is one previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact



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that the case is of the year 2014, 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 Judicial Magistrate, Gudiyatham, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one shall be a blood related surety, who should produce document to show his/her means), 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.



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[b] the petitioner shall report before the respondent police daily 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]**;

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

18.04.2023

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