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Crl.O.P.No.8691 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 323, 506(i) and 379 IPC in Crime No.117 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 17.03.2023, one Minor Nischal son of Surendrababu, the defacto complainant was alone in the house, the petitioner along with other person trespassed into his apartment house and assaults him and taken the mobile phone and ran away. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that petitioner went to the house of the said Surentharbabu for demanding the amount payable to him for the purchase of 75 litres of Ghee. Since the said Surentharababu was not at home, his son called him through phone and the petitioner spoke to him and thereafter returned.



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He further submitted that the petitioner has nothing to do with the said allegation and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the property has been recovered and no previous case is pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Having regard to the facts of the case and the nature of the allegation made against the petitioner and also the fact that the property has been recovered and no previous case is pending against the petitioner, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate Court-II, Coimbatore**, on condition that the petitioner shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two sureties** 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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police once in a week at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial.



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[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.

05.05.2023

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