



Crl.O.P.No.8549 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 Section 379 of IPC, in Crime No.529 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.10.2022, the defacto complainant along with his friend went to Chengalpattu in Hyundai Accent Car bearing Registration No.TN 01 AL 4001. At that time, the accused along with others who were also proceeding in Mahindra Xylo car bearing Registration No.TN 20 CX 6189, waylaid the defacto complainant near Chengalpattu. The accused asked to give the car stating that the defacto complainant's car is owned by him and two of the accused got into the defacto complainant's car and made the friend of the defacto complainant to get into the accused car and towards Chennai. While nearing Pulipakkam sivan koil hills, the accused stopped both the cars and asked the defacto



Crl.O.P.No.8549 of 2023

complainant and his friend to get down from the cars and took away the defacto complainant's car along with their things. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the other accused have been granted anticipatory bail by the learned Judicial Magistrate II, Chengalpattu in Crl.M.P.No.133 of 2023. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner, along with other accused, had stolen the defacto complainant's car. He would further submit that the property has been recovered from the other accused. He would further submit that no previous case is pending against the petitioner. However, he opposed to the grant of anticipatory bail to the petitioner.



Crl.O.P.No.8549 of 2023

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

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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, and also the fact that the co-accused have already granted anticipatory bail, 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 No.II, Chengalpattu, on condition that the petitioner shall execute a bond 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:



Crl.O.P.No.8549 of 2023

[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 at 10.30 a.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]*; and;



Crl.O.P.No.8549 of 2023

[f] if the accused thereafter absconds, a fresh FIR can be registered

under Section 229-A IPC.

24.04.2023

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Crl.O.P.No.8549 of 2023

A.D.JAGADISH CHANDIRA. J.

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Crl.O.P.No.8549 of 2023

24.04.2023

Page 6 of 6