



Crl.O.P.No.8536 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 Sections 341, 294(b), 336, 427, 392, 506(ii) of IPC read with 397 of IPC in Crime No.52 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Muthu is that he is the lorry driver of Deccan Transport. On 09.02.2023 he was travelling from Andalkuppam to Chennai Harbour and when he was on the way to have breakfast near Manali Highways, the accused waylaid him by declaring their names stated that they have gone to jail on several occasions and robbed cash of Rs.450/- and blue tooth headset worth about Rs.1,000/- from him at the knife point. When he raised an alarm, the accused hurled the stones and broken the empty cool drinks bottles over the public and created law and order problem.



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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 and he has been falsely implicated in this case along with one Thendral and Sarathy, against whom several cases are pending. He would submit that the petitioner has no previous case as against him. The petitioner has nothing to do with the alleged offence. He would also submit that the petitioner is ready and willing to furnish solvent sureties and 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 (Criminal Side) for the respondent would submit that the petitioner along with Thendral and Sarathy waylaid the defacto complainant and robbed a cash of Rs.450/- and blue tooth headset worth about Rs.1,000/- from him at the knife point. He would further submit that the investigation is still pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, 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, Thiruvottiur, Thiruvallur District** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 :



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[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 everyday at 7 pm., 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;



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

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