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CrI.O.P.No.14098 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 395 and 397 of I.P.C. in Crime No.274 of 2021 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.12.2021 around 3.30 a.m., the petitioner along with other accused on wearing mask waylaid the house of defacto complainant and robbed a sum of Rs.3,000/- from his pocket and a cell phone and also damaged his two wheeler. Hence, the present complaint filed against the petitioner.

3. The learned counsel for the petitioner would submit that he is an innocent person and he has not committed any offence as alleged by the prosecution and he is no way connected with the said offence. He would also submit that this is the second petition praying for anticipatory bail and



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he is ready to comply with any condition imposed by this court and co-accused were arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner along with other accused committed robber of Rs.3,000/- and a cell phone belong to the defacto complainant. He would submit that there are three previous cases pending against him and co-accused were arrested and released on bail. He would further submit that if he is released on anticipatory bail, he may tamper the evidence and hamper the investigation. He would submit that now the investigation is almost completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also the fact that the investigation was almost completed and considering the change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on interim 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 Court-I, Villupuram, on condition that the petitioner shall also execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which, one surety must be a blood surety, 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.



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[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.

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