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Crl.O.P.No.9529 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 147, 294(b), 354, 379, 506(ii) of IPC in Crime No.163 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant one Tamilarasan is that he is the resident of Thirupathur District and that on 19.05.2021 when the petitioner and the other accused persons entered into his house, they threatened his mother with knife point and also robbed 5 sovereigns of gold jewellery, Rs.3,00,000/- and also a two wheeler. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused had been arrested and also enlarged on bail. Hence, he prays to grant anticipatory bail to the



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petitioner.

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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner and the other accused persons entered into his house, they threatened his mother with knife point and also robbed 5 sovereigns of gold jewellery, Rs.3,00,000/- and also a two wheeler. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Court-II, Tirupattur, Tirupattur District, on condition



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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:

[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 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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.04.2023

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