



Crl.O.P.No.9475 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 alleged offences punishable under Sections 294(b), 341, 342, 363, 323, 395, 397, 506(1) IPC @ 109, 294(b), 341, 342, 363, 323, 395, 397, 506(1) of IPC in Crime No. 68 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who was working as a Branch Manager in APR Company is that on 24.03.2023 at 6.30 p.m, the Chief Manager had instructed him to deposit Rs.16,55,140/- at the Head Office at Cheyyar and after receiving the said money, he was proceeded in his two wheeler through Cheyyar Highways, the named accused had waylaid his vehicle, abused and assaulted him and tried to rob the money from him. Since, the defacto complainant refused to give the cash bag to them, the accused assaulted him and kidnapped him in a car and when the car was proceeding near Arani Arunagiri Chatram, they had taken out some bundles of cash from the defacto complainant's cash bag. At that time, the night patrolling police were standing there and on seeing the police, the defacto complainant



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shouted from the car. When the police tried to stop the car, the accused left the cash bag and escaped from the car. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is the driver of one Althaf Thasif in the APR company and thereby, he has been falsely implicated in this case. He further submitted that the name of the petitioner does not find place in the First Information Report and later, based on the statement recorded from the other accused, this petitioner has been falsely implicated in this case. He further submit that the co-accused was arrested and released on bail by this Court in Crl.OP.No.8418 of 2023 dated 19.04.2023 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 had waylaid the defacto complainant and attempted to rob the money and he is the driver of the APR company. He further submit that the investigation is not yet completed. He further submit that the co-accused has been granted bail



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by this Court in Crl.O.P.No.8418 of 2023. However, he vehemently opposed to grant anticipatory bail to the petitioner .

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the co-accused has been arrested and released on bail, this Court is inclined to grant 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, Vandavasi**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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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 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.

[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.

27.04.2023

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