



Crl.O.P.No.10503 of 2023

Crl.O.P.No.10503 of 2023

K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Section 399 of I.P.C in Crime No.94 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 27.03.2023, at around 1.00 p.m, the respondent Police received a secret information that near Maatukkaaranachaavadi Chettykulam, 5 miscreants were planning to commit dacoity. Therefore, immediately, the respondent Police along with his 2 Sub-Ordinates had gone to the crime scene. When those 5 miscreants saw the arrival of respondent Police and his Sub-Ordinates, they were escaped, however, the respondent Police caught one of those miscreants viz., Prakash. The said Prakash is a History Sheeter. On enquiry, the said Prakash confessed that he and his friend Raghu @ Maariappan (petitioner) and his other friends were planning to commit dacoity in order to meet out their litigation expenses. Hence, the



Crl.O.P.No.10503 of 2023

respondent Police registered a case in Crime No.94 of 2023 against the said Prakash. Since the petitioner's name has been implicated in this case, the aggrieved petitioner has filed the present petition.

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. The petitioner's name has been falsely implicated in this case. He would further submit that the learned Judicial Magistrate, Vanur, Villupuram District vide order in Crl.M.P.No.2724 of 2023 dated 12.04.2023, granted bail to the accused Prakash. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that already there is one previous case of similar nature pending against the petitioner. So, he vehemently opposed for grant of anticipatory bail to the petitioner.



CrI.O.P.No.10503 of 2023

WEB COPY

5. Considering the above facts and circumstances of the case and also, considering the fact the learned Judicial Magistrate, Vannur, Villupuram District vide order in CrI.M.P.No.2724 of 2023 dated 12.04.2023, granted bail to the accused Prakash, 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 is made ready, before the learned Judicial Magistrate, Vannur, 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 conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate



CrI.O.P.No.10503 of 2023

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 twice at 10.00 a.m & 5.00 p.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 the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

17.05.2023

mrr

4/5



WEB COPY



CrI.O.P.No.10503 of 2023

K.KUMARESH BABU, J.

mrr

CrI.O.P.No.10503 of 2023

17.05.2023