



Crl.O.P.No.10492 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 294(b), 324, 384 and 506(ii) of IPC in Crime No.76 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner entered into the shop of the defacto complainant and demanded mamool from him and when he refused to give the same, the petitioner has attacked the defacto complainant with knife and robbed a sum of Rs.350/-. 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, since he has got some previous cases. He would further submit that originally the complaint had been taken for enquiry in C.S.R.No.212 of 2023, however, without summoning the petitioner and conducting



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enquiry, FIR has been registered against the petitioner. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a habitual offender, against whom, there are three previous cases. As far as this case is concerned, the petitioner entered into the shop of the defacto complainant and demanded mamool from him and when he refused to give the same, the petitioner has attacked the defacto complainant with knife and robbed a sum of Rs.350/-. Hence, he vehemently opposed to grant bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that the petitioner is ready and willing to stay elsewhere and hence, he prayed for grant of anticipatory bail to the petitioner.



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6. Heard the learned counsel and perused the entire materials available on record including the First Information Report.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also of the fact that the petitioner is ready and willing to stay elsewhere, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 XXII Metropolitan Magistrate, Egmore, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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



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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 stay at Dindigul and report before the Inspector of Police, Vilampatti Police Station, Dindigal, 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]**;



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

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