



Crl.O.P.No.10550 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 392 of I.P.C. in Crime No.111 of 2023, on the file of respondent police, seek anticipatory bail.

2. The case of prosecution is that on 24.04.2023 around 11.00 hours, when the defacto complainant proceeding to Naguran Thottam, 60 feet road, the petitioners along with other accused waylaid him, scolded him and also robbed a sum of Rs.500/- at knife point. Hence, the complaint.

3. The learned counsel for petitioners submitted that totally there are 5 accused involved in the said occurrence and in fact, only based on confession statement of A1, the petitioners name were implicated as accused in this case. He would submit that on the date of occurrence, they were hunting fish at Andhra border and so, they were not present in the scene of occurrence. He would also submit that they are innocent persons and they have not committed any of offence as alleged in the complaint. He



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would submit that the petitioners are ready to cooperate with the investigation and also abide by any condition imposed by this court. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that on the date of occurrence, when the defacto complainant proceeding to Naguran Thottam, the petitioners along with other accused intercepted him, threatened him and robbed a sum of Rs.500/- at knife point. He would submit that totally, there are 5 accused involved in the said occurrence and the 1st petitioner is having five previous cases and 2nd petitioner is having three previous cases pending against them. He would further submit if they are granted anticipatory bail, they will tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVI Metropolitan Magistrate, George Town, Chennai, 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 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 appear before the respondent police everyday twice in the morning at 10.30 a.m. and evening at 06.00 p.m. for the period of four weeks and thereafter, as and when required for the investigation.



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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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