



Crl.O.P.No.12649 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 394 of I.P.C in Crime No.5 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Saravanan is that he is working as Manager of Leelavathi Garden and managed the said garden and forty houses. Rakul, Rajan, Sandeep and Azar are residing in one of the houses. While being so, on 01.01.2022 at about 2 a.m., some unknown persons knocked the door, Rakul woke up and opened the door. The said persons snatched his mobile phone at knife point and also caused injury to him. Hence, the complaint .

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence he seeks for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for



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the respondent Police would submit that the petitioners are working in the garden belonging to rival parties and they have waylaid the servant who is from Uttar Pradesh and snatched away his cell phone. As per the first petitioner is concerned, he has got five previous cases of similar nature and as far as the second petitioner is concerned he has no bad antecedents. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions of the learned Counsel for the parties that in respect of the first petitioner, he has got five previous cases of similar nature, this Court is not inclined to grant anticipatory bail to him and in respect of the second petitioner, there is no bad antecedents against him, this court is inclined to grant anticipatory bail to the second petitioner with certain conditions.



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7. Accordingly, the second 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 -I, Tiruppur** on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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 condition that:

[a] the 2nd 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 2nd petitioner shall report before the respondent police everyday at 10:30 a.m until further orders.



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[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and 2nd 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;

8. With the above directions, this Criminal Original Petition in respect of the first petitioner stands dismissed. The Criminal Original Petition in respect of the second petitioner stands ordered.

12.06.2023

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