



Crl.O.P.No.13465 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 394, 397 and 506(2) of IPC, in Crime No.33 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the accused have picked up the quarrel with the *de facto* complainant and his brother, abused them in a filthy language and by threatening them at knife point, robbed a sum of Rs.2,000/- from their tea shop. Hence the case

3. Learned counsel for the petitioner submitted that this is the third application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail applications of the petitioner filed in Crl.O.P.Nos.5853 & 6654 of 2023 vide orders dated 15.03.2023 & 28.03.2023. He further submitted that very reading of the First Information would go to show that it is the case, foisted by the respondent Police to keep the petitioner under fetters. He also submitted that though no such incident had happened, the *de facto* complainant had



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given a false complaint claiming that he had sustained bleeding injuries and was admitted to the hospital. He further submitted that since the petitioner has been granted bail in the previous cases pending against him, the respondent has registered this case through the de-facto complainant. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that this is the third application for bail filed by the petitioner and since the petitioner had suppressed the fact that the earlier bail application was dismissed by this Court on 15.03.2023, this Court had dismissed the second bail application filed by the petitioner in Crl.O.P.No.6654 of 2023. He further submitted that the petitioner along with other accused had robbed a sum of Rs.2000/- from the de-facto complainant's shop by threatening the de-facto complainant and his brother at knife point. He also submitted that two previous cases are pending against the petitioner, therefore, he vehemently opposed for grant of anticipatory bail.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on records including the contents of the First Information Report.

6. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned counsel on both sides, this Court is inclined to grant anticipatory 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 No.I, Salem**, 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



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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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. and 6.30 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 **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR



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can be registered under Section 229A IPC.

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