



Crl.O.P.No.14800 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 392 r/w 414, 34 I.P.C. 1860, in C.C.No.4383 of 2023 on the file of the learned XIII Metropolitan Magistrate, Egmore, Chennai, seeks anticipatory bail.

2.It is the submission of learned counsel for the petitioner that NBW was issued against the petitioner in C.C.No.4383 of 2023 pending on the file of the learned XIII Metropolitan Magistrate, Egmore, Chennai. Petitioner has no connection whatsoever, with this case. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that this is a case of Section 392 I.P.C. registered for the offence of robbery. Out of five sovereigns of gold chain, only 3 and ½ sovereign of gold chain was recovered from A1 and A2. This petitioner is implicated on the basis of confessional statement of co-accused namely, A1 and A2.



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4.Considered the submissions and perused the records.

5.This Court does not understand as to how this petitioner can be implicated as accused only on the basis of confessional statement of co-accused, when the role of the accused is not corroborated by any material particulars.

6.Be that as it may be. It is seen from the submission that, at the time of filing the final report, this petitioner was shown as absconding accused, requiring the Court to issue NBW. In the said circumstances, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Thus, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned XIII Metropolitan Magistrate, Egmore, 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



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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 report before the respondent police 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.

04.07.2023

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