



Crl.O.P.No.14689 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 399 IPC in Crime No.435 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No.435 of 2023 for the offences under Section 399 IPC. Petitioners are innocent. He further submitted that, co-accused was given anticipatory bail by this Court in Crl.O.P.No.14283 of 2023. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, one Loganathan had stolen money from the shop of A3. After he was released from in prison, the accused had laid in wait in Cars bearing No.TN 02 BY 5946 and TN 69 AM 1878 for robbing Log @ Loganathan. Thereafter A1 was arrested at about 23



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hours on 02.06.2023 to prevent robbery. On the basis of the confession statement of A1, other accused have been arrested. Thus, he prays for dismissal of this petition.

4. Considering the nature of the allegation, where it is claimed that, accused had laid in wait for committing robbery against Log @ Loganathan who was just released from the prison, it appears a bit hard to believe.

(i) This Court is of the view that, since, 3rd petitioner is already in prison, the petition is dismissed insofar as 3rd petitioner is concerned.

(ii) The fact that co-accused had been granted anticipatory bail, this Court is of the view that, custodial interrogation of the 1st and 2nd petitioners are not necessary and the 1st and 2nd petitioners are 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 Court II, Ponneri** on condition



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that the 1st and 2nd petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 1st and 2nd petitioners 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 1st and 2nd petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the 1st and 2nd petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st and 2nd petitioners shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st and 2nd petitioners in accordance with law as if the conditions have been imposed and the 1st and 2nd petitioners 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.

13.07.2023

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