



Crl.O.P.No.15482 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 offences punishable under Sections 341, 294(b), 397 and 506(ii) of IPC in Crime No.258 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, along with other accused, waylaid the defacto complainant and robbed a sum of Rs.550 from the defacto complainant at knife point and ran away from the place of occurrence. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second application for anticipatory bail. Earlier application for anticipatory bail was dismissed on the ground that the petitioner has got eight previous cases pending against him. The learned counsel further submitted that bail was granted to the petitioner in all those previous cases and the respondent police had summoned the petitioner and since the petitioner did appear before the respondent police, he was antagonized and a false complaint was lodged against the petitioner through the defacto complainant. He would



further submit that the very reading of F.I.R., would show that it is fabricated for the purpose of detaining the petitioner under Act 14. The defacto complainant is a stranger to the petitioner and stated as if, threatened him and taken an amount of Rs.550/- from him, thereby the petitioner seeks for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is an habitual offender and having eight previous case pending against him. He would further submit that the petitioner along with other accused, waylaid the defacto complainant and robbed a sum of Rs.550 from at knife point and ran away from the place of occurrence. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record including contents the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel on either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 Metropolitan Magistrate-X, Egmore, Chennai**, on condition that the petitioner shall execute a separate bond for **a sum of Rs.25,000/- (Rupees Twenty Five 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 stay at Palacode in Dharmapuri District and report before the Palacode Town Police Station, Dharmapuri daily at 10.30 a.m., and at 05.30 p.m., for a period of thirty days and thereafter shall report before the respondent police daily 10.30 a.m., until further orders.

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



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[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 petitioners in accordance with law as if the conditions have been imposed and the 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.

20.07.2023

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