



Crl.O.P.No.19571 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 363, 323 and 392 of IPC in Crime No. 155 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the 1st accused is running a Manpower Agency adjacent to the defacto complainant's shop. While so, the 1st accused demanded some money from the defacto complainant and when he refused to give the money, the petitioner along with other accused have kidnapped the defacto complainant by showing knife and also robbed a sum of Rs.70,000/- from him. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has nothing to do with the alleged offence of the A1. He would further submit that the petitioner



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along with the 2nd accused were granted anticipatory bail vide order dated 25.07.2023 in Crl.O.P.No.17279 of 2022 and since they could not able to execute the sureties in time, they had filed a petition in Crl.M.P.No.14781 of 2022 before this Court for extension of time and this Court had extended the time for a period of two weeks to execute the sureties. However, the above said order was not communicated to the petitioner and therefore, he was unable to execute the sureties in time. He would also submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police would submit that there are totally three accused in this case in which, the petitioner is arrayed as A3. He would further submit that the petitioner demanded money from the defacto complainant and when he refused to give the money, the petitioner along with other accused have threatened the defacto complainant with knife and robbed a sum of Rs.70,000/- from him. He would further submit that this



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petitioner was already granted anticipatory bail by this Court and he failed to comply with the conditions. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances and considering the submission of the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, **the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.155 of 2022 on or before 13.09.2023 before the concerned Magistrate, failing which the anticipatory bail granted by this Court shall stands automatically cancelled, and on such deposit the petitioner**



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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, Kumarapalayam**, on condition that the petitioner shall execute a 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 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.155 of 2022 on or before 13.09.2023 before the concerned Magistrate, failing which, the anticipatory bail granted by this Court shall stands automatically cancelled.**



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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