



Crl.O.P.No.16850 of 2023

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**G.CHANDRASEKHARAN. J.**

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Section 399 IPC, in Crime No.527 of 2023, on the file of the respondent police, seek anticipatory bail.

2.It is the submission of the learned counsel for the petitioners that petitioners are falsely implicated in Crime No.527 of 2023, for the alleged offence under Section 399 IPC. First accused in this case was granted bail by the learned Principal Sessions Judge, Kancheepuram, Chengalpattu, in Crl.M.P.No.3938/2023, dated 31.07.2023. Thus, he prays for anticipatory bail for the petitioners.

3.In response, the learned Government Advocate (Criminal side) submitted that on 12.07.2023, at about 6.30 p.m., defacto complainant and the police party made surveillance against the offenders. During their surveillance, they found that, near Karumaarapakkam Village Junction, the accused in this case were making preparation to



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commit dacoity in ECR road and if there is any resistance, they were planning to murder the resistors. Therefore, this case came to be registered.

4.Considered the rival submissions and perused the records.

5.In support of the allegations made in the FIR, it appears that the statement of the witnesses have not been recorded so far. Only a knife and chilli powder are seized from first accused. Respondent police sought to apprehend the petitioners as a preventive measure in order to prevent them from committing the offence. In the circumstances stated, this Court is of the view that custodial interrogation of the petitioners is not necessary and this Court is inclined to grant anticipatory bail to the petitioners and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif Cum Judicial Magistrate, Thirukazhukundram**, on condition that petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand**



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**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 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 petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.**

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

[d] the petitioners 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



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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 can be registered under Section 229A IPC.

**04.08.2023**

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