



Crl.O.P.No.18487 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 399 & 402 of IPC, in Crime No. 183 of 2023, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that on 12.07.2023 at about 10.15 a.m., based on the secret information, the police officials went to the spot, where found that the petitioner and along with other accused persons has conspired together with knives, for looting cash from the fish sellers and on seeing the police officials, they tried to run away from the scene of occurrence. However, four of them were arrested and based on their confession other accused persons were identified. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the respondent. He would further



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submit that since A1 to A4 are history sheeters before the respondent police, the petitioner's name was falsely implicated in this case and on the date of occurrence, the petitioner was not present in the scene of occurrence. 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 would submit that there are totally seven accused in this case in which, the petitioner is arrayed as A6. He would further submit that the petitioner along with other accused, in order to loot cash from the fish sellers, conspired together with knives and on seeing the police officials they were tried to escape from the scene of occurrence. He would further submit that the petitioner is having six previous cases pending against him including one murder case. He would further submit that co-accused in this case were already arrested and remanded to judicial custody and subsequently, they were granted bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Taking into consideration the facts and circumstances and also taking note of the fact that co-accused in this case were arrested and granted bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **XVI Metropolitan Magistrate, George Town, Chennai**, on condition that the petitioner shall execute a 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.



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[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.

[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].

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

22.08.2023

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