



Crl.O.P.No.20346 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 of I.P.C, in Crime No. 364 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.07.2023, when the Inspector of Police along with two police officer were in surveil and on hearing a sound near a bush, they found that the petitioner along with other accused were preparing to commit dacoity and on seeing the police, the petitioners were escaped. The police found the identity, details of the petitioner based on the confession statement of the 1st and 2nd accused and recovered the wood and knife. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that co-accused in this case were arrested and enlarged on bail. Based on the confession statement of the arrested co-accused the petitioner herein was implicated in this case. Hence, he prays for



grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused were preparing to commit dacoity with knife. He further submitted that the petitioner is having one previous case against him and A1 and A2 were already arrested and subsequently, they were granted bail by the Principal Sessions Judge, Villupuram, in Crl.M.P.Nos.7479 & 7.07 of 2023. However, 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 police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the main accused in this case have been enlarged on bail, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in



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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, Vanur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 report before the respondent police on everyday 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



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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 absconds, a fresh FIR can be registered under Section 229A IPC;

05.09.2023

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RMT.TEEKAA RAMAN,J.,

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