

Crl.O.P.No.20766 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner/A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 399 of I.P.C, and Section 25(1)(a) of Arms Act, 1959 in Crime No.4 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 10.01.2020, the respondent police conducting routine raid at that time the de-facto complainant watched the petitioner along with others had kept with deadly weapons and they planning to commit robbery from public. 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. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner was filed anticipatory bail petition in Crl.M.P.No.1064 of 2020 and the same was granted dated 16.06.2020 on condition that the petitioner shall surrender before the

learned JM-I, Kancheepuram but the petitioner fails to do so. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side that 3 years had passed but the respondent-police fails to secure the accused. In view of the same, the petitioner was already granted with anticipatory bail by the Sessions Court. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate No.I, Kancheepuram**, on condition that the petitioners shall execute a separate 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 shall surrender before the concerned Magistrate at 10.30 a.m and to execute surities on or before 03.10.2023, failing which, the anticipatory bail shall stand automatically dismissed;

[c] the petitioner shall report before the respondent-police everyday at 10.30 a.m until further orders;

[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 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]**.

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

13.09.2023

nvi

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nvi

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