



Crl.O.P.No.23215 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 399 and 402 of IPC in Crime No.369 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and 4 other accused gathered and commit robbery and escaped from the place when the respondent police arrived to the spot. Hence, the complaint.

3. The learned counsel for the petitioner stated that the petitioner has been arrayed as Accused-3 in this case and further stated that petitioner is innocent person and he has not committed any offence as alleged by the respondent. There are no previous cases as against this petitioner. Hence, he prays for grant of anticipatory bail.



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4. The learned Government Advocate appearing for the respondent police submitted that the Accused No.1 & 2 have been arrested. Accused No.1 has been arrested only on 17.10.2023. The Accused No.2 has been granted bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the above facts, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.

6. 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.II, Krishnagiri** 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



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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 appear before the respondent police daily at 10.30 a.m., until further orders.

[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]**.



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

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