



Crl.O.P.No.23589 of 2023

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WEB COPY **C.V.KARTHIKEYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offence publishable under Sections 341, 294(b), 386, 506(i) of Indian Penal Code in Crime No.444 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had waylaid the defacto complainant and robbed a sum of Rs.30,000/-. Hence, the case was registered against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.On the side of the respondent, it is stated that there are no previous case against the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, **each one of the petitioner are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.444 of 2023, within a period of two weeks from the date**



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of receipt of a copy of this order. The amount to be retained by the Judicial Magistrate, Sirkali. If the petitioners are acquitted after trial, the amount to be returned back to the petitioners and if the petitioners are convicted, the amount to be handed over to the defacto complainant and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Sirkali, on condition that the petitioners shall execute a separate 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 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 daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.



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[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 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]**.

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

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