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CrI.O.P.No.24780 of 2023

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R. KALAIMATHI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 323, 406 and 506(1) of IPC and Section 4 of TNWPH Act, 2002 in Crime No.7 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused went to the Defacto Complainant's house and attacked the defacto complainant and snatched the Defacto Complainant's mobile phone, which contains recordings pertaining to the theft of certificate etc., said to have been committed by her husband Murugan/A1. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of



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anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that there are totally three accused in this case and that A1 was remanded to judicial custody and released on bail and A3 was already granted anticipatory bail on 28.12.2022. So far as this petitioner is concerned, he is arrayed as A2. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts, nature and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner for the reason that, custodial interrogation of the petitioner is not necessary in this case.

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 II Metropolitan Magistrate, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**



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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 everyday 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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Tsg/shl

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

26.10.2023

Tsg/shl

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