



Crl.O.P.No.333 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 397 of IPC in Crime No.192 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant who is working as a salesman in the TASMAC shop is that on 04.09.2022, some persons wearing mask entered into the shop at the time of closing of shop and decamped with an amount of Rs.5,60,510/- at knife point. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely complicated in this case based on the confession recorded from the arrested accused. He would further submit that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.50,000/- to the credit of Crime No.192 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.



CrI.O.P.No.333 of 2023

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4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is the main person in this case. He along with the other accused by wearing mask entered into the TASMACH shop of the defacto complainant, threatened with knife and decamped an amount of Rs.5,60,510/-. Some accused have been arrested and from them, a sum of Rs.32,000/- has been recovered and the remaining amount is still with the petitioner. The petitioner has got 1 previous case of similar in nature pending against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and perused the materials available on record.

6.Taking into consideration the facts of the case and also the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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CrI.O.P.No.333 of 2023

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.192 of 2022** and on such receipt and receipt of proof of payment, 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, Perambalur, 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 deposit a sum of



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CrI.O.P.No.333 of 2023

Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.192 of 2022, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant.

(c) the petitioner shall report before the respondent police station on alternative days at 10.30 a.m., for a period of eight weeks;

(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 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]***; and;



CrI.O.P.No.333 of 2023

(g)if the accused thereafter absconds, a fresh

FIR can be registered under Section 229-A IPC;

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09.01.2023

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Crl.O.P.No.333 of 2023

T.V.THAMILSELVI, J.

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Crl.O.P.No.333 of 2023

09.01.2023