



Crl.O.P.No.28883 of 2023

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P.DHANABAL,J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 392 IPC in Crime No.548 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant namely Pushpalatha is that on 19.11.2023, at around 8.30 p.m., the petitioner along with other accused waylaid her and snatched her mobile phone at knife point. Hence, the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He would further contend that the co-accused in this case has been released on bail. Hence he seeks anticipatory bail.

4.The learned Government advocate (Crl.Side) objected to grant anticipatory bail to the petitioner. However, he would fairly concede that the co-accused has been released on bail.



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5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offence and also of fact that the co-accused has been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvottiyur, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or



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[d] 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].

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

29.12.2023

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29.12.2023