



Crl.O.P.No.29075 of 2023

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WEB CO **P.DHANABAL, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 384 of IPC in Crime No.278 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and his two friends are also arrayed as accused in the above referred case had threatened the complainant, who was selling TV in his two wheeler and took away 2 TV. One of the accused was caught hold of and handed over to the investigating officer. Subsequent to which complaint has been lodged and the defacto complainant is urging for action. Hence this case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that no previous case pending against the petitioner and A1 is absconding, A3 was already released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that no previous case is pending against the petitioner and A3 was already released 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate-I, Walajah* on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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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 10.00 a.m., for a period of thirty days and thereafter as and when required for interrogation and also the petitioner has deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) before the trial Court Judicial Magistrate - I, Walajah in Crime No.278 of 2023.

[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 trial.

[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.

28.12.2023



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