

Crl.O.P.No.731 of 2024**C.V.KARTHIKEYAN, J.**

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The petitioners/A4 and A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 399 of IPC in Crime No.2 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are arrayed as A4 and A5. The respondent police found that the petitioners along with other accused had unlawfully assembled with deadly weapons and prepared to commit dacoity. Hence, this case.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that co-accused/A1 and A2 had been released on bail by the Principal Sessions Judge, Chennai in Crl.M.P.No.1628 of 2024 dated 18.01.2024 and Crl.M.P.No.1858 of 2024 dated 19.01.2024 respectively. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent submitted that the petitioners along with other accused had unlawfully assembled with deadly weapons and prepared to commit dacoity. He further submitted that the first petitioner is having one previous case and the second petitioner is having two previous cases.



However, he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Metropolitan Magistrate No.II, Egmore, Chennai**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)each**, 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., until further orders.



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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.

29.01.2024

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