



Crl. O.P. No.7102 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners/A8 & A9 who apprehend arrest at the hands of the respondent police for the offences punishable under Section 120B, 399 of IPC r/w Section 27(2) of Arms Act in Crime No.771 of 2023 on the file of the respondent, seek anticipatory bail.

2. It is stated that these petitioners had incited A1 to A7 to commit dacoity. However, that failed, and the other accused had been arrested. On the basis of the confession, these petitioners were also implicated in this case. It is also stated that there is one previous case against these petitioners.

3. The earlier application seeking anticipatory bail was dismissed by this Court in Crl. O.P. No.2368 of 2024 on 16.02.2024.

4. One significant change in circumstances is that A1 to A7 who had been arrested had subsequently been granted bail and also taking into



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consideration the fact that the name of the petitioners are not found in the FIR, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 made ready, before the learned Judicial Magistrate I, Ponneri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.04.2024

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