



Crl.O.P.No.12381 of 2024

Crl.O.P.No.12381 of 2024

WEB COPY

C.SARAVANAN, J.

Apprehending arrest by the respondent for the alleged offence under Sections 341 and 394 of Indian Penal Code, 1860 in Crime No.151 of 2024, the petitioner herein/ the 2nd accused is before this Court and seeks an order of anticipatory bail under Section 438 of Cr.P.C.

2. The case of the prosecution is that on 07.02.2024, the defacto complainant/ Rajan lodged a complaint with the respondent stating that the petitioner has abused him using filthy language and also robbed cash and mobile at knife point from him.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and had not committed any offence as alleged by the prosecution. He also further submitted that there is not even an iota of truth in the prosecution case and the petitioner has been falsely implicated with an ulterior motive. Therefore, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.12381 of 2024

WEB COPY

4. The learned Government Advocate (Crl. Side) would submit that the petitioner herein is ranked as A2 along with Accused No.1. It is submitted that the Accused No.1 has already been arrested and is in judicial custody. It is submitted that the Accused No.1 has several cases pending against him. As far as the petitioner is concerned, he has one previous case. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Having considered the submissions of the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and considering the fact that the co-accused, ranked as A1 has already been arrested and is in judicial custody and also considering the age of the petitioner, the Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall be released on bail in the event of arrest or on his appearance immediately on the following



Crl.O.P.No.12381 of 2024

conditions :-

[a] the petitioner shall appear before the learned DMC cum Judicial Magistrate, Gumudipoondi within a period of fifteen days from the date on which the order copy made ready.

[b] He 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.

[c] 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.

[d] the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.151 of 2024** before the Magistrate concerned within a period of two weeks from the date of receipt of this order and this amount can be withdrawn by the defacto complainant subject to production of necessary security for repaying the same, if no case is made out against the petitioner.

[e] the petitioner shall report before the respondent police as and when required for interrogation and the



CrI.O.P.No.12381 of 2024

petitioner is also directed to co-operate for the investigation.

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

[g] the petitioner shall not abscond either during investigation or trial.

[h] 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]**.

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

23.05.2024

stn



WEB COPY



Crl.O.P.No.12381 of 2024

C.SARAVANAN, J.

stn

Crl.O.P.No.12381 of 2024

23.05.2024