



Crl.O.P.No.25663 of 2024

Crl.O.P.No.25663 of 2024

WEB C **P.DHANABAL, J.**

The petitioner apprehends arrest for the alleged offences under Sections 3(5) and 309(6) of BNS, in Crime No.38 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and demanded money and when the defacto complainant refused to pay the money, the accused persons robbed mobile phone of the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case and co-accused have been released on bail. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing



CrI.O.P.No.25663 of 2024

for the respondent police submitted that the petitioner along with other accused waylaid the defacto complainant and demanded money and when the defacto complainant refused to pay the money, the accused persons robbed mobile phone of the defacto complainant. He further submitted that there is one previous case against petitioner and the property was recovered from the co-accused. He also submitted that the investigation has been completed and final report has been filed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and the nature of offences charged against the petitioner and though there is one previous case against the petitioner, those case is not a similar kind of offence and in that case, he was released on bail and the property was recovered from the co-accused and on completion of investigation, the final report has been filed, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the



CrI.O.P.No.25663 of 2024

learned Judicial Magistrate No.IV, Puducherry, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report **before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., for a period of 30 days;**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

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

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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*



Crl.O.P.No.25663 of 2024

[(2005)AIR SCW 5560].

WEB COPY

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

vkr

19.10.2024

P.DHANABAL, J.

vkr



WEB COPY



Crl.O.P.No.25663 of 2024

Crl.O.P.No.25663 of 2024

19.10.2024