



Crl.O.P.No.25731 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest in connection with Crime No.402 of 2024, for the alleged offences punishable under Sections 126(2), 296(b), 309(4), 311, 351(3), 125, 324(4) of BNS 2023, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running Soup shop in the evenings at MRTS Adambakkam Road and on 09.10.2024 at about 2.00p.m., the petitioner/A3 and other accused had waylaid the defacto complainant and demanded money and when he refused, they had assaulted and threatened him with knife and thereby, the defacto complainant had lodged a complaint against them. Based on which, a case in crime No.402 of 2024 came to be registered. Hence the case.

3. Learned Counsel for the petitioner would submit that the petitioner is an innocent person and arrayed as A3 and that a false case



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has been foisted against him. He would further submit that the mere reading of the First Information Report would show that the case has been foisted against the petitioner for the purpose of invoking Act 14 of 1982 and the petitioner is only A3. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and pray for grant of anticipatory bail to him.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, would submit that three accused have been involved in this case and A1 and A2 were arrested and in judicial custody and the petitioner is A3 and five previous cases are pending against him.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Perused the contents of the First Information Report.

Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Alandur, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 petitioner and the sureties shall affix their



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photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Inspector of Police, S-8 Adambakkam Police Station, Chennai everyday at 6.30p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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