



CrI.O.P.No.28044 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 336, 392, 397 & 506(ii) IPC in Crime No.237 of 2023, seeks anticipatory bail.

2.Heard the learned counsel appearing on behalf of the parties.

3.The case of the prosecution as per the de facto complainant is that on 01.10.2023 at about 11.30 pm, the petitioner's friends questioned the de facto complainant about one Karthick, when he refused to answer, they assaulted the de facto complainant and robbed a sum of Rs.2,400/-. Hence the case.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was arrested in Cr.No.231 of 2023, registered at Teynampet Police Station on 28.09.2023 and was granted bail only on 13.10.2023, whereas, as per the prosecution, the alleged incident is said to have taken place on 01.10.2023. He further submitted that the very reading of the



Crl.O.P.No.28044 of 2024

FIR indicates that the present case was foisted for the purpose of detaining the petitioner under Act 14. He further submitted that the petitioner is ready and willing to abide by any conditions that may be imposed on him.

5.The learned Government Advocate (Crl. Side) while opposing for grant of bail to the petitioner submitted that at the instigation of the petitioner, the other accused have assaulted the de facto complainant and robbed him of a sum of Rs.2,400/-. He further submitted that the petitioner has got 15 previous cases, out of the which one case has been disposed of.

6.Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel on either sides and on perusing the FIR, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance , within a period of fifteen days from the date of receipt of a copy of this order, before the learned XVIII Metropolitan Magistrate, Saidapet 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



Crl.O.P.No.28044 of 2024

like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 06.30 p.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 BNS.

13.11.2024

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Crl.O.P.No.28044 of 2024

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Crl.O.P.No.28044 of 2024

Dated: 13.11.2024