



Crl.O.P.No.28511 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 341, 294(b), 324, 379 of IPC in Crime No.257 of 2023, seeks anticipatory bail.

2.The case of the prosecution as per the de facto complainant is that on 22.05.2023, the petitioner along with others waylaid the de facto complainant, abused and assaulted him with stones and stole his mobile phone. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner was already granted anticipatory bail in Crl.OP.No.13481 of 2023 on 23.06.2023 with the direction to surrender within a period of 15 days. Since the petitioner did not surrender within the stipulated time, the earlier anticipatory bail petition got dismissed. Hence, the learned counsel prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police while opposing the grant of anticipatory bail to the petitioner submitted that though the petitioner was earlier granted anticipatory bail, he did not surrender before the Court concerned, subsequently, while he was absconded in the earlier case, the petitioner has got himself involved in two



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other cases and was arrested.

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5. In reply, the learned counsel for the petitioner submitted that when the petitioner was remanded in the subsequent cases, the respondent did not formally arrest him in the present case, and therefore, the petitioner seeks anticipatory bail.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either sides and the fact that the petitioner was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 on which the order copy made ready, before the learned **Judicial Magistrate No.II, Thiruvallur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 conditions



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that:

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[a] the petitioner shall report before the respondent police daily at 06.30 p.m., until further orders.

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

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

[d] 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];

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

15.11.2024

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Dated: 15.11.2024