



Crl.O.P.No.29033 of 2024

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P.DHANABAL,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 304(2) of BNS, in Crime No.475 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 01.10.2024, at about 11.10 p.m, when the defacto complainant was on his way back to home from his duty, the petitioner along with other accused waylaid the defacto complainant and snatched his mobile phone. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that only based on the confession statement of the co-accused this petitioner was implicated in this case, that co-accused was already released on bail. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused



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were found in committing theft of mobile phone on the defacto complainant.

He further submits that the petitioner has two previous cases, pending against him. He further submits that the property was not recovered from this petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, nature of offence, co-accused was already released on bail, based on the confession of the arrested accused, this petitioner was arrayed as an accused, though the petitioner has two previous cases, in all the cases, he has been released on bail, and also considering all other factors, 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 appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruvottiyur, 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 learned Magistrate concerned and on further condition that:



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[a] the petitioner shall report before the respondent police daily at 10.30 a.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 B.N.S.

20.11.2024

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