



Crl.O.P.No.29255 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 126(2), 351(3) and 309(4) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.255 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is incharge of a TASMAL Bar. The petitioner along with other accused went to the shop, ate some foods but not paid the money. When the same was questioned by the de-facto complainant, the petitioner and other accused abused him, threatened him with knife and snatched a sum of Rs.1,000/- from him at knife point. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the above said alleged offence. He would further submit that A1 and A2 were arrested and released on bail. He would further submit that the petitioner is ready to abide



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by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner and other accused went to the TASMACH Bar run by the de-facto complainant. They ate some foods and not paid the money. Hence, a wordy quarrel arose between the de-facto complainant and accused persons. The petitioner and other accused abused the de-facto complainant, threatened him with knife and snatched a sum of Rs.1,000/- from him at knife point. He would further submit that there is no previous case against the petitioner and co-accused, namely A1 and A2 were arrested and released on bail by the Court below. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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



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6.Considering the facts and circumstances of the case and the submission that the petitioner has no bad antecedents and also prime accused were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] 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 ***Judicial Magistrate No.II, Chengalpattu***, 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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



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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.

22.11.2024

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