



Crl.O.P.No.30237 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.48 of 2024, registered for the offences punishable under Section 309(4) of BNS, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that on 25.11.2024, the complainant was exchanging old currency for new currency through an agent where the defacto complainant was present. The co-accused one Gunazhagan brought 15 individuals to exchange Rs.3,00,000/-. The complainant changed the amount into coins and handed over Rs.2,49,000/- to 12 individuals. Later, Gunazhagan and three others attacked the complainant, took two bags of coins (Rs.60,000) and escaped by an auto. Hence, the case.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would further submit that he is ready to abide by any stringent condition that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government



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Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that it is a case of robbery. The Defacto complainant having Rs.40,00,000/- with him, A1 along with other accused robbed the said amount. A1 and A2 have been arrested and granted bail and the entire amount has been recovered from A1. He would further submit that there is one previous case under Section 302 IPC as against the petitioner.

5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 – 7 at George Town**, 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 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 of BNS.

11.12.2024



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