



Crl.O.P.No.4

Crl.O.P.No.4459 of 2022

R.PONGIAPPAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable **under Sections 294(b), 435, 448, 506(II) of IPC** in Crime No.12 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.01.2022, as instructed by the petitioners one, Alexraj @ Moses burned two bikes of the defacto complainant and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submits that due to previous dispute, this false case has been foisted as against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending.

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5. Submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioners for the offences punishable under Sections 294(b), 435, 448, 506(II) of IPC. Admittedly in the alleged occurrence, property worth about Rs.25,000/- was damaged. In respect of the same, upon the order passed by the trial court, the other accused who was granted with bail deposited the said amount and also in order to substantiate the same, the receipt which was issued by the learned District Munsif cum Judicial Magistrate, Gummidipoondi was produced. In the said circumstances, considering the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Gummidipoondi** on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) (each), 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 and on further condition that:

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(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.00 a.m., for the period of 30 days and thereafter, as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed



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and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs.***

State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

25.02.2022

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