



Crl.OP.No.5047 of 2022

Dr.G. JAYACHANDRAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 294(b), 323, 307 and 506(i) of IPC in Crime No.592 of 2021, on the file of the respondent police, seek anticipatory bail.

2. This petitioner herein arrayed as A2 is before this Court seeking anticipatory bail.

3. As per the FIR, the petitioner along with other accused transported heavy loaded Blue Metal near Kundrathur in a lorry belonged to the petitioner. When the defacto complainant circulating awareness material, to avoid overloading in the lorry, threatened him and the other office bearers of the Association with dire consequences and hence, the case under Sections 147, 294(b), 323, 307 and 506(i) of IPC.



4. The learned counsel for the petitioner submits that due to rivalry between two Associations of Lorry Owners, a false complaint has been lodged against the petitioners herein without adverting the other point. He further submits that this Court has already granted anticipatory bail to the co-accused in Crl.OP.No.25324 of 2021 dated 23.12.2021.

5. This Court is inclined to grant anticipatory bail to the petitioner with certain conditions for the reason that there is no injury to the defacto complainant or his Associate members.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the *learned Judicial Magistrate, Sriperumpudur* on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:



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(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner 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 petitioner shall report before the Investigation Officer as and when required for an interrogation ;

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

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and



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the petitioner is 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]*; and

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

Vv/gv

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