



Crl.O.P.No. 15195 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 149, 341, 120(B), 302 of IPC r/w Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No. 686 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner, along with other accused, attacked the deceased, due to which, he died. Hence, the case was registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is the junior Advocate of the main accused one Sivakumar and that is reason why he was roped into this case. He would also submit that only based on the confession recorded from the arrested co-accused and other than that, there is no allegation against him. The co-accused was also released on bail. Therefore, he prays for grant of



anticipatory bail to the petitioner.

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4. There are totally 12 accused, in which the petitioner is arrayed as A3 as per the FIR. After completion of investigation, the respondent police filed charge sheet in which the petitioner is shown as A2. According to the prosecution, A1 to A3 planned **to do way the deceased**. According to the petitioner's plan, the other accused persons attacked the deceased. Even according to the prosecution, the petitioner was not present at the time of occurrence.

5. A perusal of the records reveals that after filing of charge sheet, when it was pending for committal in PRC No.7 of 2022 on the file of the Judicial Magistrate, Cheyyar, the learned Judicial Magistrate straight away issued Non Bailable Warrant without issuing summons to the petitioner and the other accused persons. Further, it is revealed that when the Non Bailable Warrant is pending as against the petitioner, the other accused persons were issued fresh summons. However, no one was appeared.

6. Considering the above fact and circumstances of the case,



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the custodial interrogation of the petitioner is not required and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 is made ready, before the learned Judicial Magistrate, Cheyyar, Tiruvannamalai District, 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 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 photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the Committal Court daily Morning at 10.30 a.m and Evening at 5.00 p.m., until further orders.



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[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 229A IPC.

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