



Crl.O.P.No.17225 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC r/w Section 3 of TNPPDL Act, in Crime No.144 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute between the defacto complainant's father-in-law and the petitioners. When the same was questioned by the defacto complainant, he was abused by the petitioners and the petitioners also attacked him with stones. It is further alleged that when the injured was taken to the hospital in an auto, the auto was damaged by the petitioners by pelting stones. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are the innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the



Crl.O.P.No.17225 of 2022

petitioners are ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.144 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 6 accused in which the petitioners are arrayed as A1, A4 and A6. Due to a wordy quarrel, the petitioners attacked the defacto complainant and his father-in-law and caused injuries. The first and second petitioners are having 3 previous cases each against them and they are history sheeters. The third petitioner is having no previous case against him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels, the first and second petitioners are having specific overtact in this case. Hence, this petition is dismissed as against the 1st and 2nd petitioners and this Court is inclined to grant anticipatory bail to the 3rd petitioner with certain conditions.



CrI.O.P.No.17225 of 2022

6. Accordingly, the 3rd petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.144 of 2022, within a period of two weeks from the date on which the order copy made ready and on such deposit the 3rd 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 made ready, before the learned Judicial Magistrate-II, Walajapet, Ranipet District, on condition that 3rd 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 3rd 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 3rd petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.144 of 2022, before the concerned Magistrate, within a period of two weeks from the date on



Crl.O.P.No.17225 of 2022

which the order copy made ready. Further, the petitioners shall not disturb the peaceful possession and enjoyment of the subject property of the defacto complainant.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the 3rd petitioner shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation.

[e] the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the 3rd petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 3rd petitioner in accordance with law as if the conditions have been imposed and the 3rd 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

25.07.2022

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