



WEB COPY



Crl.O.P.No.22348 of 2022

Crl.O.P.No.22348 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 427 & 506 (ii) and Section 4 of TNPHW Act in Cr. No.328 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that, due to previous enmity, the petitioners trespassed into the house of the *de-facto* complainant with deadly weapons and attacked the *de-facto* complainant and also damaged the house door, roof tiles and bike. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners were granted anticipatory bail by this Court in Crl.O.P.No.15478 of 2022 vide Order dated 05.07.2022, pursuance to which, as per undertaking they have also deposited Rs.25,000/- jointly to the credit of Crime No.328 of 2022. Whereas, they were unable to furnish the sureties within time and thereby, the earlier Order has got



Crl.O.P.No.22348 of 2022

lapsed and the present anticipatory bail has been filed.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the injured victim has been discharged from the hospital on 10.06.2022 and there is no previous case pending against the petitioners. He would further submit that the petitioners were granted anticipatory bail by this Court in Crl.O.P.No.15478 of 2022 vide Order dated 05.07.2022, however they failed to execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the each of the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to the **Tamil Nadu State Legal Services Authority, Chennai** and on such payment, the



Crl.O.P.No.22348 of 2022

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 on which the order copy made ready, before the **Judicial Magistrate Court, Omalur**, on condition that the each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners 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] each of the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to the **Tamil Nadu State Legal Services Authority, Chennai** and the acknowledgment for the same shall be produced before the learned Magistrate concerned at the time of execution of bond.



Crl.O.P.No.22348 of 2022

A.D.JAGADISH CHANDIRA, J.

mpl/nst

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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 and the petitioners 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]**.

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

22.09.2022

mpl/nst

Crl.O.P.No.22348 of 2022