



CrI.O.P.No.23009 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294 (b), 324, 506 (ii) of IPC r/w 392, 395 of IPC & Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.469 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused waylaid the lorry and assaulted the *de-facto* complainant and his employees and taken away the laptop, android phone and also a sum of Rs.99,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that petitioner is an innocent person and due to previous enmity false complaint has been given. He would further submit that the arrested co-accused was granted bail in Cr.O.P.No.21316 of 2022 vide order dated 06.09.2022 and the contraband has also been recovered.



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4. Per Contra, the learned Government Advocate appearing for the respondent would submit that the investigation is pending against the petitioner and the contraband has not been recovered. Hence, opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioners would submit that without prejudice the petitioner is prepared to deposit a sum of Rs.20,000/- to the credit of crime No.469 of 2022.

6. Taking note of the facts and circumstances, and also the fact that without prejudice the petitioner is prepared to deposit a sum of Rs.20,000/- to the credit of crime No.469 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.469 of 2022, within a period of four weeks from the date on which



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the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Judicial Magistrate Court-II, Salem on condition that the petitioner shall execute a 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 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of Crime No.469 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

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

[d] the petitioner shall appear before the respondent police everyday at 10.30 a.m. and evening at 5.30 p.m., for a period of four



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weeks and thereafter, as and when required for interrogation.

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

[f] the 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 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]***.

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

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nst/mpl



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This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner would submit that this Court, by an order dated 22.09.2022, has granted anticipatory bail to the petitioner in Crl.O.P.No.23009 of 2022. However in the order copy in Paragraph No.7(b), the deposit amount has been wrongly mentioned **Rs.25,000/- (Rupees Twenty Five Thousand only)** instead of **Rs.20,000/- (Rupees Twenty Thousand only)**. Hence, he prayed for suitable directions.

3. Considering the submission made by the learned counsel appearing for the petitioner, the errors are corrected and the paragraph No.7 (b) of the order shall be read as follows:

"the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.469 of 2022, before the concerned Magistrate, within a period of four weeks from today ie., on 11.10.2022."



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4. Registry is directed to carry out necessary amendment and issue a fresh order copy on 11.10.2022.

11.10.2022

vkr

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