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Crl.O.P.No.22979 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, & 506(ii) of IPC and 379, 511 of IPC read with Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.408 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, petitioners along with other accused persons attempted to commit theft of goats from the *de-facto* complainant and escaped from the scene of occurrence. Later, they came to the house of the *de-facto* complainant, abused in filthy language, assaulted him with wooden logs and also damaged their three bikes. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to wordy quarrel a false complaint has been given as against the petitioners. He would further submit that without prejudice, each of the petitioners



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are prepared to deposit a sum of Rs.10,000/- to the credit of the crime number and he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that as far as the 1st petitioner is concerned there are three previous cases pending against him.

5. At this juncture, the learned counsel for the petitioners would submit that he is not pressing the petition in respect of the 1st petitioner.

6. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, without prejudice, 2nd & 3rd petitioners are prepared to deposit a sum of Rs.10,000/- each to the credit of the crime number, this Court is inclined to grant anticipatory bail to the 2nd & 3rd petitioners alone with certain conditions.

7. Accordingly, as far as the 1st petitioner is concerned, this petition is dismissed and as far as the 2nd & 3rd petitioners are concerned,



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each of the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.408 of 2022 and on such payment, the 2nd & 3rd 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-II, Ponneri**, 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 2nd & 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 2nd & 3rd petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.408 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.



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[c] the 2nd & 3rd petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the 2nd & 3rd petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 2nd & 3rd 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 2nd & 3rd petitioner in accordance with law as if the conditions have been imposed and the 2nd & 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]**.

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

22.09.2022

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