



Crl.O.P.No.23998 of 2022

Crl.O.P.No.23998 of 2022

WEB COPY

A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 302 of IPC later altered to Sections 302 read with Section 120 (B), 147 148, 149, 109, 212 of IPC, in Crime No.141 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Sharmila is that, due to previous enmity, A1 to A6 committed a murder of her brother. The allegation as against the petitioner who claims to be an advocate is that he had given legal advice for execution of murder and also harboured them at Salem. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and false complaint has been lodged against him. He would further submit that, the petitioner was not present at the scene of occurrence and he was implicated only on the confession



statement of the arrested accused. He would further submit that the investigation is completed and it is pending for committal in P.R.C.No.119 of 2022 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai. He would further submits that the custodial interrogation of the petitioner may not be required and the petitioner is ready to abide by any stringent condition as may be imposed by this Court. Hence he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that, the petitioner who posed himself as an Advocate, had given legal advice in executing the murder of one Balachandran and subsequently harboured the accused persons at Salem and also given legal advice to them. Hence, he opposed to grant anticipatory bail to the petitioner.

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



6. 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 made ready, before the **learned XIV Metropolitan Magistrate, Egmore, Chennai** 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 report before the learned XIV Metropolitan Magistrate, Egmore, Chennai everyday at 10.30.a.m., until further orders.

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



Crl.O.P.No.23998 of 2022

WEB COPY

[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.

11.10.2022

Sma



WEB COPY



Crl.O.P.No.23998 of 2022

A.D.JAGADISH CHANDIRA,J.

Sma

Crl.O.P.No.23998 of 2022

11.10.2022