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Crl.O.P.No.26018 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, 323, 324 and 506(ii) IPC and Sections 3 and 4 of TNPPDL Act, 1992 in Crime No.614 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that when the *de-facto* complainant and his friends questioned the accused about the illegal quarry, the accused assaulted them by pelting stones and also threatened them with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that it is a case and case in counter registered as against the *de-facto* complainant in Cr.No.613 of 2022. The *de-facto* complainant and his friends have taken law into their hands and had threatened the petitioner and others. When the same was questioned, there arose a quarrel between



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the petitioner and the *de-facto* complainant, in which the *de-facto* complainant assaulted the petitioner and other co-accused. However, the petitioner, without prejudice to his rights, he is ready and willing to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of crime No.614 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that when the *de-facto* complainant and his friends questioned the accused about the illegal quarry, the accused assaulted them by pelting stones and also threatened them with dire consequences. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that there is a counter case registered as against the *de-facto* complainant in Cr.No.613 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.614 of 2022, within a period of two weeks from the date on which 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 learned Principal Sessions Judge, 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.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.614 of 2022, within a period of two weeks from the date of receipt of a copy of this order.



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[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 daily at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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