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Crl.O.P.No.27130 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 294(b), 323, 427 and 506(ii) of IPC, in Crime No.255 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Kumaresan is that he is running a hotel and on 18.08.2022, the accused had created a ruckus and caused damages to the articles in the hotel. Further allegation is that the accused on a previous occasion also committed similar offence. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated by the respondent police. However, without prejudice in order to show their *bona fide*, the each of the petitioners are prepared to deposit a sum of



Crl.O.P.No.27130 of 2022

Rs.1,000/- to the credit of Crime No.255 of 2022. He would also submit that the petitioners are prepared to comply with any stringent condition imposed by this Court and he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that on 18.08.2022, the accused had created a ruckus and caused damages to the articles in the hotel of the *de-facto* complainant. Further allegation is that the accused on a previous occasion also committed similar offence. He would further submit that there is no previous case pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking note of the facts and circumstances, and also the fact that without prejudice the each of petitioners are prepared to deposit a sum of Rs.1,000/- to the credit of crime No.255 of 2022, this Court is inclined to



Crl.O.P.No.27130 of 2022

grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, **each of the petitioners is directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of Crime No.255 of 2022, within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **Judicial Magistrate No-II, Court at Attur, Salem**, on condition that each of the petitioner 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.



Crl.O.P.No.27130 of 2022

WEB COPY

[b] the each of the petitioners shall deposit a sum of Rs.1,000/- (Rupees One thousand only) to the credit of Crime No.255 of 2022, before the concerned Magistrate, within a period of three 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 petitioners shall appear before the respondent police everyday at 10.30 a.m. and 5.30 p.m., until further orders.

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

[f] the petitioners 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 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]***.



CrI.O.P.No.27130 of 2022

WEB COPY

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

11.11.2022

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Crl.O.P.No.27130 of 2022

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