



Crl.O.P.No.26906 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 294(b) & 506(i) of IPC and Section 3 of the TNPPDL Act, in Crime No.395 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that on 24.10.2022 at about 11.00 p.m., the petitioner along with other accused came in a drunken state near the house of the *de-facto* complainant and quarrelled with them. Thereafter, they caused damages to the *de-facto* complainant's car and two bikes and abused the *de-facto* complainant with filthy language and also threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated by the



Crl.O.P.No.26906 of 2022

respondent police. He would further submit that there was a quarrel while travelling on the road and the *de-facto* complainant is a person, who has abused the petitioner and a false complaint has been given. However, without prejudice in order to show his *bona fide*, the petitioner is prepared to deposit a sum of Rs.5,000/- to the credit of Crime No.395 of 2022. He would also submit that the petitioner is prepared to comply with any stringent condition imposed by this Court and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused in a drunken state caused damages to the *de-facto* complainant's car and two wheelers and also threatened him with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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



Crl.O.P.No.26906 of 2022

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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.5,000/- to the credit of crime No.395 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.5,000/- (Rupees Five Thousand only) to the credit of Crime No.395 of 2022, within a period of three 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 Judicial Magistrate No.2, Alundur** 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:



CrI.O.P.No.26906 of 2022

[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.5,000/- (Rupees Five thousand only) to the credit of Crime No.395 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 petitioner shall appear before the respondent police everyday at 10.30 a.m., for a period of two 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



Crl.O.P.No.26906 of 2022

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.

04.11.2022

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Crl.O.P.No.26906 of 2022

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Crl.O.P.No.26906 of 2022

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