



Crl.O.P.Nos.29449 & 29520 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner in Crl.O.P.No.29449 of 2022 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 307 of IPC r/w Section 4(a) of Explosive Substances Act, 1908 in Crime No.227 of 2018, seeks anticipatory bail.

The petitioner in Crl.O.P.No.29520 of 2022 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 307, 323 and 506(ii) of IPC in Crime No.200 of 2018, seeks anticipatory bail.

2(i).The case of the prosecution in Crl.O.P.No.29449 of 2022 as per the defacto complainant Porchezhiyan is that on 19.03.2018 at around 9.45 p.m., the accused person had hurled a kerosene bomb in front of his house with an intention to kill him. Hence the complaint.

2(ii) The case of the prosecution in Crl.O.P.No.29520 of 2022 as per the defacto complainant Prakash is that he is running a petrol bunk in SVS Nagar. While so, on 09.03.2018, the accused person namely



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Suryaprakash and Baburaj had come to his petrol bunk. At that time, they have given one phone to him and stating that one Azhar wants to speak to him. The said Azhar through video call had demanded money from him and also threatened him. When the defacto complainant had refused to give the money saying that he would go to the Police, during which time, the accused person namely Surya Prakash and Baburaj had assaulted him with stones resulting in him sustaining injuries. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and as the per the case in Crime No.227 of 2018 is concerned, the name of the petitioner does not find place in the FIR. It is the case of the defacto complainant that the 2nd accused have come to him and stating that one Azhar wants to speak to him and the said Azhar who had call him over phone had threatened the defacto complainant other than that there is no specific allegation as against the petitioner. Both the cases were registered during the year 2018 and in both cases, the respondent Police has completed the



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investigation and filed the final report. He would further submit that the case in Crime No.227 of 2022 has been taken on file in P.R.C.No.6 of 2020 and the case in Crime No.200 of 2018 has been taken on file in P.R.C.No.5 of 2020 on the file of the learned Judicial Magistrate No.1, Villupuram and both the cases are pending committal. Now since the final report has been filed, there is no requirement for custodial interrogation of the petitioner. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is a habitual offender and as far as the case in Crime No.227 of 2018 is concerned, due to previous enmity, the petitioner has hurled the kerosene bomb in front of the house of the defacto complainant. In respect of Crime No.200 of 2018 is concerned, the petitioner had extorted money through his associates and they have also assaulted the defacto complainant. He would further submit that the final report has been filed in both the cases.



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Hence, he opposed for grant of anticipatory bail to the petitioner.

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5.Heard the learned counsel and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioners are 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 Judicial Magistrate No.I, Villupuram 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 petitions for anticipatory bail shall stand dismissed and on



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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 Judicial Magistrate No.I, Villupram on all working days at 10.30 a.m., for a period of four weeks and thereafter on the date fixed by the learned Magistrate.

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

[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.**



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State of Kerala [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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