



Crl.O.P.No.29809 of 2022

Crl.O.P.No.29809 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 392 & 506(2) of IPC read with Section 3 (1) of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.230 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused waylaid the defacto complainant, who is the driver of the Tipper Lorry, and demanded a sum of Rs.50,000/- as mamool and abused him in a filthy language and assaulted the defacto complainant and his friend, causing injuries and taken away a sum of Rs.5,000/- and also damaged the wind shield of the lorry. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that A3 was already



Crl.O.P.No.29809 of 2022

granted anticipatory bail by this Court in Crl.OP.No.26708 of 2022 on 10.11.2022. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A4 in this case and also submitted that he has no previous cases. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering the fact that one of the co-accused has been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner 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 Judicial Magistrate-II, Attur, on condition that the petitioner shall



Crl.O.P.No.29809 of 2022

execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 respondent / police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[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



Crl.O.P.No.29809 of 2022

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.

02.12.2022

lok



WEB COPY



Crl.O.P.No.29809 of 2022



WEB COPY



Crl.O.P.No.29809 of 2022

G.K.ILANTHIRAIYAN, J.
lok

Crl.O.P.No.29809 of 2022

02.12.2022