

Crl.O.P.No.31075 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 447, 294(b), 323 IPC r/w Section 4 of TNPHW Act and 3(1) of TNPPDL Act in Cr.No.493 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.09.2022, at about 18.00 hours, the petitioner along with the other accused attacked the defacto complainant for running a hotel in the name of "Thanthai Periyar Unavagam" and also intimidated with dire consequences by damaging the utensils to close the hotel and remove the name board. Hence, the case.

3.The learned counsel appearing for the petitioner submits that he is an innocent person and he has been falsely implicated in this case. He would further submit that all other accused have been arrested and released on bail. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as imposed by this Court. Hence, he prays to



grant anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the injured received 36 stitches. However, he has been recovered and discharged from the hospital. Further, the petitioner has got one previous case. Hence, he opposed for grant of anticipatory bail.

5. Considering the fact that the injured has been discharged from the hospital and that the petitioner on his own volition, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.493 of 2022, within a period of fifteen (15) days 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 Court, Mettupalayam** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 and on further condition that:

(a)the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of Crime No.493 of 2022 before the concerned Magistrate within a period of fifteen (15) days and the defacto complainant is permitted to withdraw the said deposit amount of Rs.20,000/- on proper identification and acknowledgment;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner is directed to appear before the respondent police daily at 10.30 a.m for a period of eight weeks and thereafter appear before the trial Court on all hearing dates;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the



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Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

19.12.2022

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