



CrI.O.P.No.1184 of 2023

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T.V.THAMILSELVI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 394 of IPC in Crime No.8 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the friend of Gowtham. The said Gowtham is son of the Udaya Kumar. The said Udayakumar has purchased a vehicle Honda Dio bearing registration No.TN 03 1478 by finance. Thereafter, he failed to pay the monthly instalment properly. Hence, the said vehicle was seized by the complainant and the said act was questioned by the accused. At the time, a wordy quarrel arose between them, during the quarrel, the accused have assaulted the defacto complainant with wooden log and robbed money of Rs.500/- and ATM card. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and the defacto complainant belongs to seizing team and seized the vehicle without any prior intimation. The said act was questioned by the petitioner as friend of one Gowtham who is son



of the aggrieved person. The defacto complainant suppressing the entire fact and lodged a false complaint against him. He would further submit that he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent Police would submit that the petitioner is the friend of Gowtham. The said Gowtham is son of the Uдахaya Kumar. The said Uдахayakumar has purchased a vehicle Honda Dio bearing registration No. TN 03 1478 by finance. Thereafter, he failed to pay the monthly instalment properly. Hence, the said vehicle was seized by the complainant and the said act was questioned by the accused. At the time, a wordy quarrel arose between them, during the quarrel, the accused have assaulted the defacto complainant with wooden log and robbed money of Rs.500/- and ATM card. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



5. Heard the learned counsel for the petitioner as well as the learned Government Advocate and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that there is no previous case pending against him, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Thiruvottiyur, Thiruvallur District**, on condition that the petitioner shall execute separate 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, 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 every Saturday at 10.30 a.m., for a period of eight weeks.

[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. State of Kerala [(2005)AIR SCW 5560]**.

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

23.01.2023

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