

**Crl.O.P.No.4001 of 2023**

WEB COPY **T.V.THAMILSELVI,J.**

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 435, 506(2) of IPC and 9(B) 3 (b) of Indian Explosives Act 1884 in Cr.No.394 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with others went to the defacto complainant house and attacked the out door house with petrol bottles and set the fire on the out door of the defacto complainant's house and threatened the defacto complainant and her family with dire consequence. Hence, the complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that there are five cases pending against the defacto complainant. He



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further submitted that there are 10 previous cases pending against the first petitioner and there is no case no petition against the second petitioner as on date. However, he vehemently opposed for grant of anticipatory bail to the first petitioner.

5.Heard learned counsel for the petitioners and learned Government Advocate (Crl.Side).

6.On perusal of the records, it seems that though the first petitioner had ten previous cases, which are under Section 506(2) of IPC. Hence, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7.As far as the second petitioner is concerned, there is no case no petition against the second petitioner. Hence, the Criminal Original Petition filed for the second petitioner is closed.

8.Accordingly, the first petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order,



before the learned *Judicial Magistrate II, Krishnagiri*, on condition

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that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties (**out of which one surety must be blood related surety**) 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 first 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;

(b)the first petitioner shall report before the respondent police every alternate days at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;

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

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



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(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 first petitioner released on anticipatory 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]***; and;

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

27.02.2023

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To
The Judicial Magistrate -II
Krishnagiri District.

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