



Crl.O.P.No.4006 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the offences punishable under Sections 341, 302 and 109 of IPC in P.R.C.No.31 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Vanur, seeks anticipatory bail.

2.The case of the prosecution is that, on 30.07.2018, while the deceased was travelling in his two wheeler, two persons wearing helmet intercepted the deceased and attacked him on his neck and ran away from the scene of occurrence and the same was witnessed by the *de-facto* complainant and two others. However, the deceased was declared dead when he was taken to hospital. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the name of the petitioner does not find place in the FIR. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.4006 of 2023

WEB COPY

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is arrayed as A14 in this case. He would also submit that charge sheet has been filed in this case and the same was taken on file in P.R.C.No.31 of 2018. He would further submit that there are twenty previous cases similar in nature, pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the charge sheet has been filed in the year 2018 itself, 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 District Munsiff cum Judicial Magistrate, Vanur, Villupuram District**, on condition 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



Crl.O.P.No.4006 of 2023

WEB COPY

must be a blood 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, 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 is directed to appear before the respondent police daily at 10.30 a.m. for a period of three months and also appear before the Trial Court on all hearing dates, without fail;

[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;



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Crl.O.P.No.4006 of 2023

T.V.THAMILSELVI,J.

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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 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.

27.02.2023

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Crl.O.P.No.4006 of 2023