



CrI.O.P.No.4014of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 147, 148 & 302 of IPC in Crime No.639 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 09.08.2022, the deceased/Madan Kumar who was chased by five identifiable persons and killed him with a knife. Thereafter, the defacto complainant lodged a police complaint before the respondent police. Based on said alleged offence, the respondent police registered a case against the petitioner and other accused persons.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that A1 to A5 present in the scene of occurrence and this petitioner was not present in the scene of occurrence.



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Hence he prayed for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner is the cleaner of the lorry driven by the accused who was arrayed as A5. He also further submitted that final report is yet to be filed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the stage of investigation, the petitioner is not present in the scene of occurrence and the petitioner is only a cleaner of the lorry driven by the A5, 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 before the **learned Judicial Magistrate -II, Ponneri**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two



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sureties (out of which one surety shall be blood relative)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 report before the respondent police daily at 10.30 a.m., for a period of three months.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in



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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.

28.02.2023

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