



Crl.O.P.No.4117 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 279, 337 of IPC in Crime No.278 of 2022 thereafter altered into under Sections 279, 337 & 379 of IPC, in Crime No.278 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the victim and lodged a complaint that her husband met with an accident by a unknown car and admitted in the hospital. During the time of accident victim lost his REDME phone along with his gold chain. Hence, the complaint.

3. The learned counsel for the petitioner would submit that he is an innocent and he has not committed any offence. He would submit that the petitioner is a permanent resident of the above address and he would ready and willing to abide any conditions that may be imposed by this Court. Hence, the



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learned counsel prays to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) for the respondent would submit that there are totally four accused in this case and the petitioner is arrayed as A4. He would submit that based on the confession statement given by A1 to A3, this petitioner has been implicated in this case. He would further submit that already A1 to A3 were arrested and also enlarged on bail and the investigation is completed. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by both counsel and the investigation was almost completed, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate-II, Nagapattinam** 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



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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 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 Wednesday at 10.30 a.m., for a period of six weeks and thereafter as and when required.

[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.

28.02.2023

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