



Crl.O.P.No.4298 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 506(ii) of IPC r/w Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, in Crime No.19 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 16.02.2023 around 11.00 p.m., the defacto complainant was on his way from Kundadam to Tirupur along with his friends in car. When the car was nearing Vanjipalayam junction, the accused person was waiting in their car and stopped the defacto complainant's car and damaged the defacto complainant's car windshield and also assaulted the defacto complainant and his friends. After that, the accused person had threatened the defacto complainant and fled the place. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the



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petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused in this case has been arrested and released on anticipatory bail in Crl.M.P.No.437 of 2023 dated 01.03.2023 before the learned Principal Sessions Judge, Tiruppur. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner along with other accused persons damaged the defacto complainant's car windshield, for which, there was a wordy quarrel arose and they assaulted each other. He would further submit that the injured has been discharged from the hospital. However, he would vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.



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6. Taking into consideration of the facts and submissions and also the fact that the injured has been discharged from the hospital, 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, Kangeyam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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identity.

[b] the petitioner shall report before the respondent Police everyday at 10.30 p.m., until further orders.

[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;

10.03.2023

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A.D.JAGADISH CHANDIRA, J.



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10.03.2023