



Crl.O.P.No.5470 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, 427, 380, 506(ii) of IPC, in Crime No.29 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant vassudevan is that on 13.01.2023 around 10.30 p.m, while he was returning back to his house after the purchase of vegetables in his auto at that time, some person came in a two wheeler and they stopped his vehicle and threatened him with knife and they also caused damaged to his auto. Subsequently, he had called emergency no.100 through his phone and also his relatives and they came there taken him back and on such time, he found Rs.10,500 was kept in vehicle and the vehicle was missing. The further allegation is that on 12.01.2023, while he was taking employees to Vijaya garments in his auto at 7.40 a.m, two persons had created problem to him and he suspected that due to previous enmity between one Vengatesan and his wife Nathiya would have been committed the incident. Hence, the case.



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3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case in which the defacto complainant has referred two earlier incidents and the last one is on 13.01.2023 whereas the complaint has been given only on 01.02.2023 after the delay of 21 days and due to family dispute, a false complaint has been given and hence he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that, due to previous enmity, between the defacto complainant and the petitioner, the alleged occurrence have been taken place. He further submit that the petitioner has no previous case pending against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner has no previous case pending against him, this Court



CrI.O.P.No.5470 of 2023

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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 District Munsif cum Judicial Magistrate, Uthiramerur**, 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 identity.

[b] **the petitioner shall report before the respondent police everyday at 10.30 a.m., until**



Crl.O.P.No.5470 of 2023

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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Crl.O.P.No.5470 of 2023

Crl.O.P.No.5470 of 2023

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