



Crl.O.P.No.5595 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 147, 148, 294(b), 323, 324, 395, 397, 506(ii) of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984, in Crime No.79 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, he is a lease holder of the guest house at Thiruvidadanthai Village, one Yuvaraj booked a house in the name of Dheena (A1). It is further alleged that in night hours at about 12.00 p.m, the said Dheena and his friends cause nuisance to others by celebrating birthday party and when the same was questioned by the defacto complainant, the petitioner along with other accused threatened the defacto complainant and also snatched Rs.650/- from the knife point. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and other than the previous case pending against him during the year 2020 for the offence under Section 302 IPC



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and there is no case pending against him. He further submit that he has not committed any offence as alleged by the prosecution and hence he has been falsely implicated in this case. He further submit that the main accused has been arrested and released on bail and some of the co-accused persons has been granted anticipatory bail by this Hon'ble Court and thereby, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused caused nuisance during night hours by celebrating birthday party and when the same was questioned by the defacto complainant, he was threatened by them. He further submits that the main accused has been arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side and also the



fact that the petitioner has no previous case pending against him, 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, before the learned District Munsif cum Judicial Magistrate Court, Thirukazhukundram, 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 is directed to appear before the respondent police everyday at 10.30 a.m, and 6.30 p.m, until further orders.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

14.03.2023

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