



Crl.O.P.No.6443 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 offences punishable under Sections 147, 148, 294(b), 353, 307, 120B, 115 Indian Penal Code, 1860 (as amended) and Section 25(l)(b) of Arms Act, 1959 and Sections 3 and 5 of Explosive Substances Act, 1908 in Crime No.846 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Arivazhagan is that the petitioner along with other accused have made preparation to commit murder in retaliation to the murder of one Kannan. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. One Kannan, who is the relative of the accused in the present case was murdered by opposite group. In order to avoid any untoward incident and public disorder, the respondent police



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foisted a false case against him and arrested some of the accused. He would further submit that one Anbarasan/A13 has been granted anticipatory bail by the learned Principal District and Sessions Judge, Nagapattinam on 23.12.2022. The petitioner is arrayed as A15 in the present case. He would also submit that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused have made preparation to commit murder the opposite party in retaliation to the murder of one Kannan. He further submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, 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 No.I, Mayiladuthurai, Nagapattinam District**, 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 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;



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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