



Crl.O.P.No.7363 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC and Section 379 (NP) of IPC, in Crime No.229 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Thayumanavan is that on 18.03.2023 at about 3.00 p.m., while he was going to purchase a tractor, the petitioners waylaid him, assaulted with wooden log and snatched a sum of Rs.40,000/- from him and also criminally intimidated him. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that there was a money dispute between the petitioners and the de-facto complainant and that the



Crl.O.P.No.7363 of 2023

de-facto complainant owes a sum of Rs.70,000/- to the first petitioner and thereby, he has given a false complaint as against the petitioners in order to escape from the liability. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that on 18.03.2023 at about 3.00 p.m., the petitioners waylaid the de-facto complainant, assaulted him with wooden log and snatched a sum of Rs.40,000/- from him and also criminally intimidated him. He further submitted that the stolen amount has not been recovered so far. He further submitted that that the first petitioner/A1 has got two previous cases registered in the year 2016 and 2022, the second petitioner/A2 has no previous case and the third petitioner/A3 has been arrested and later enlarged on bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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



Crl.O.P.No.7363 of 2023

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6. At this juncture, the learned counsel for the petitioners submitted that in respect of the first petitioner/A1, out of the said two cases, one case is registered during the year 2016 and the another case has been registered during the year 2022 under Section 75 of the Tamil Nadu City Police Act, 1888. He further submitted that the third petitioner in this case has been arrested and later he has been enlarged on bail and thereby, he would submit that the petition in respect of the third petitioner has become infructuous. Hence, he prays for grant of anticipatory bail to the first and second petitioners. He also submitted that the first and second petitioners are ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on them.

7. Taking into consideration the facts and circumstances of the case and also the submission of both sides, **this Court is inclined to grant anticipatory bail to the first and second petitioners/A1 and A2 with certain conditions.**



Crl.O.P.No.7363 of 2023

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8. Accordingly, the first and second petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruthuraipoondi**, on condition that **both the petitioners shall execute a separate 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 first and second petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] **the first and second petitioners shall report before the respondent Police every day at 10.30 a.m., and 6.30 p.m., until further orders.**

[c] the first and second petitioners shall not tamper with evidence or witness either during investigation or trial.



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Crl.O.P.No.7363 of 2023

[d] the first and second petitioners 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 first and second petitioners in accordance with law as if the conditions have been imposed and the first and second petitioners 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.

9. Accordingly, this Criminal Original Petition is dismissed as infructuous insofar as the third petitioner/A3 is concerned and ordered insofar as the first and second petitioners/A1 and A2 are concerned.

11.04.2023

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Crl.O.P.No.7363 of 2023

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Crl.O.P.No.7363 of 2023

11.04.2023