



Crl.O.P.No.8141 of 2023

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S.SOUNTHAR, J.,

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 336 of IPC r/w Section 3(1) of TNPPDL Act, in Crime No.85 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per T.M.Mugamathu Kiyasutheen is that he is running is running a medical store in the name of “Pava” Medical at Needamangalam Street, Thirvarur District. On 10.03.2023, one Rajkumar was murdered and his funeral procession took place on 11.03.2023 via Needamangalam market during which, the petitioner along with other accused unlawfully assembled and caused extensive damages to the shop of the defacto complainant and abused and threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He further submitted that the co-accused/A9 in this case has been



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granted bail by this Court vide Crl.O.P.No.7326 of 2023 by order dated 10.04.2023. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent opposed for grant of anticipatory bail to the petitioners stating that the petitioners who have been arrayed as A5, A7, A11, A13, A14 and A16 along with other accused unlawfully assembled and caused extensive damages to the shop of the defacto complainant during the funeral procession of one Rajkumar and that the value of the damages is assessed as Rs.15,000/-. However, he admitted that the co-accused/A9 has been granted bail by this Court on condition to deposit a sum of Rs.3,000/- to the credit of Crime No.85 of 2023.

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



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6. Having regard to the nature of allegations made against the petitioners and also of the fact that A9 in this case has been granted bail already, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of **Rs.3,000/- (Rupees Three Thousand Only) each to the credit of Crime No.85 of 2023** and on such deposit, the 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, Needamangalam**, on condition that the petitioners shall execute separate bonds 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:



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[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

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

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

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