



Crl.O.P.No.8585 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 294(b), 324 and 506(ii) of IPC, in Crime No.83 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, is that he was working in Bajaj Finance Company but at present he is unemployed, but the petitioner's friend Sabarinathan purchased the vehicle through Bajaj Finance Company on installment basis, but he is a defaulter and failed to pay the installments and for which, the employees of Bajaj company seized the vehicle. It is further alleged that the petitioner blindly believed that the defacto complainant is behind the seizure of the vehicle had trespassed into the defacto complainant's house and attacked him and also caused damage to the articles in his house and also abused him in filthy language Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false case has been foisted against him. He further submit that the petitioner has not committed any offence as alleged by the prosecution. He further submit that he is ready to abide any conditions 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) would submit that due to previous enmity, the petitioner trespassed into the defacto complainant's house and attacked him and caused damage to the articles and also abused him in filthy language. He further submit that the petitioner has one previous case pending against him. He further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made on both sides and also taking note of the fact that the



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injured has been discharged from the hospital, 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 District Munsif cum Judicial Magistrate, Vedaranyam**, 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 on everyday at 10.30 a.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 absconds, a fresh FIR can be registered under Section 229A IPC.

24.04.2023

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