



Crl.O.P.No.8954 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 offence punishable under Section 306 read with Section 34 of I.P.C. in Crime No.136 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused is the owner of the Bolero vehicle bearing Registration No.AP 05 TM 1620. The defacto complainant/Kamadi Durga Prasad who was working as a driver under the first accused, had caused damages to the said vehicle due to which, the petitioner and other persons who are the Village elders, called the mother and father of the defacto complainant when the defacto complainant was not in station and forced them to pay a sum of Rs.50,000/- for repairing the vehicle. Since they refused the same, the petitioner along with other Village elders, threatened them to pay the amount and also scolded them with filthy language due to which, the father and mother of the defacto complainant, attempted to commit suicide by consuming Phenol mixed Ant Point on 05.12.2022.



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Immediately, they were taken to Hospital and during treatment, the father of the defacto complainant died on 08.12.2022. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that as a Village elder, he along with others, only enquired the issue and apart from that he has not committed any offence as alleged by the prosecution. He also submitted that the co-accused who has been placed similarly as that of the petitioner, has been granted anticipatory bail by this Court in Crl.O.P.No.11726 of 2023 by order dated 26.05.2023. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) fairly submitted that the similarly placed co-accused, has been granted anticipatory bail by this Court by order dated 26.05.2023 in Crl.O.P.No.11726 of 2023 based on the submission made by the learned Public Prosecutor (Puducherry) that both the parties have compromised



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the issue. Further, a direction has also been issued to the Lower Court to give a direction for appearance of the defacto complainant and the petitioner therein and to record the compromise.

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

6.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the similarly placed co-accused has been granted anticipatory bail by this Court, 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, Yanam, Puduchery Union Territory**, on condition



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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.

[b] the petitioner is directed to report before the Respondent police everyday at 10:30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation.

[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



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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.

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