



Crl.O.P.No.9350 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, 152, 294(b), 353, 307 and 506(ii) of IPC r/w Section 3 TNPPDL Act, 1992 in Crime No.793 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Manikandan, grade II Police Constable is that, on 22.12.2021 the petitioner's younger brother committed suicide, for which, the defacto complainant along with his police party went to the spot in order to send the body of the deceased to the hospital for post mortem, at that time, the petitioner along with other accused have restrained them from taking the body of the deceased to the hospital in Ambulance and also assaulted them as well as caused damage to the ambulance. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this



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case and he has not committed any such offences as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner's younger brother committed suicide, for which, the defacto complainant along with his police party went to the spot in order to send the body of the deceased to the hospital for post mortem, at that time, the petitioner along with other accused have restrained them from taking the body of the deceased to the hospital in Ambulance and also assaulted them as well as caused damage to the ambulance. He further submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also the fact that the 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 Judicial Magistrate Court, Thirutottriyur**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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]**.

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

27.04.2023

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