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Crl.O.P.No.9347 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 341, 363, 294(b), 323, 307 and 506(ii) IPC in Crime No.20 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused persons, kidnapped the brother of the defacto complainant and caused grievous injuries. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner and other accused persons.

3. The learned counsel for the petitioner would submit that this is second anticipatory bail application and the petitioner was granted bail by this Court in Crl.O.P.No.11601 of 2021 vide Order dated 07.07.2021, however he was unable to furnish the sureties and thereby, the earlier Order has got lapsed and the present anticipatory bail has been filed.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner was granted bail by this Court in Crl.O.P.No.11601 of 2021 vide Order dated 07.07.2021, however he failed to execute the sureties. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of **Taluk Legal Services Authority, attached to the concerned Court** and on such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate-V, Vellore**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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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 daily at 10.30 a.m., for a period of two 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 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]***.



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

27.04.2023

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