



Crl.O.P.No.9534 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 195A, 307 and 109 of IPC in Crime No.135 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Raja Devnath is that his cousin Harinath had attempted to murder his uncle and his daughter on a previous occasion. While so, on 17.04.2023 at 8.00 p.m, when the defacto complainant and his mother were in the shop some of the accused trespassed into the shop and criminally intimidated by saying that they should not depose against Harinth before the Court and they have also assaulted the defacto complainant with iron rods and escaped from the place. 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 case, based on the confession alleged to have been recorded from the arrested accused. He would further submit that other than the main



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accused, Harinath has been arrested and detained under Act 14 of 1982 and other accused A4 and A5 have been arrested and released on bail. He further submitted that other than the confession there is no absolute material to implicate the petitioner in this crime. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that due to previous enmity, on account of earlier case pending between the main accused and the defacto complainant family members, the main accused had set up the present petitioner who had in turn engaged hirelings. On 17.04.2023, when the defacto complainant and his mother were in the shop they trespassed into the shop and assaulted the defacto complainant. He further submits that the petitioner has one previous case pending against him and thereby he objects for grant of anticipatory bail to the petitioner.

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



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6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on both sides, 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 Metropolitan Magistrate No.V, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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



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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 stay at Dharmapuri and report before Dharmapuri Town Police Station 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]**;



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

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