



Crl.O.P.No.11905 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 353, 506(ii) of IPC r/w Section 3(1) of TNPPDL Act, in Crime No.175 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ramesh is that he is a Government Bus Driver. On 28.03.2023 at about 8.20 p.m., when the defacto complainant was driving the bus towards Mannagakoil, the petitioner along with 3 others, waylaid the bus and caused damages to the windshield of the bus and also abused the defacto complainant in filthy language. Hence, the case.

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 the petitioner is ready to abide by any stringent conditions as may be imposed by this Court. Hence, he would



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pray to grant anticipatory bail to the petitioner.

4. The Learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of anticipatory bail to the petitioner stating that the petitioner along with 3 other accused, waylaid the Government bus which was driven by the defacto complainant and caused damages to the windshield of the bus and also abused the defacto complainant in filthy language. The value of damages is assessed as Rs.7,000/-.

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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to **deposit** a sum of **Rs.5,000/- (Rupees Five Thousand Only)** to the credit of **Crime No.175 of 2023** and on such deposit the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***Judicial Magistrate, Sirkazhi*** on condition 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 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 Court concerned 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 four weeks and thereafter, as and when required for interrogation;



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[c] the final order in respect of the said deposit shall be passed by the trial Judge at the time of conclusion of trial.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 anticipatory 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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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