



Crl.O.P.No.11777 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, 294(b), 353, 336, 427, 307, 506(ii) of IPC, in Crime No.321 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is the on 16.08.2022, one Kulla Kumar was murdered by his rival group. In order to take vengeance, on 02.11.2022, the petitioner along with 3 other accused was preparing the attack the rival group with deadly weapons and based on a specific information, when the respondent police went to the spot, the accused abused and attempted to assault the police party with knife and also caused disturbance to the public by throwing cool drink bottles. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case since he has got some previous cases against him. A reading of



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the FIR would go to show that the case has been foisted for the purpose of detaining the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition as may be imposed by this Court and prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of anticipatory bail to the petitioner stating that the petitioner in order to wreck vengeance on the murder of one Kulla Kumar, was preparing to attack the rival party along with 3 other accused and when the respondent police went to the spot, the accused abused and attempted to attack the police party with knife and cool drink bottles. He further submitted that the petitioner has got 4 previous cases against him.

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



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6.Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, 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 XIV Metropolitan Magistrate, Egmore, Chennai**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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.



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[b] the petitioner shall stay at Namakkal and report before the Inspector of Police, Town Police Station, everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of Nungambakkam Police Station 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.

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A.D.JAGADISH CHANDIRA, J.,

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Copy to:

The Inspector of Police

Town Police Station, Namakkal

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