



Crl.O.P.Nos.12091 & 12191 of 2023

WEB CONTENT **V.LAKSHMINARAYANAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 341, 353, 307 & 506(ii) of IPC r/w Section 3 of TNPPDL Act, in Crime No.400 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant/TNSTC bus Driver, is that on 21.05.2023, he made an accident by dashing the two wheeler, which was driven in a rash and negligent manner, due to which, the petitioners and others abused him in a filthy language, assaulted him and also caused damage to the Government bus. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are no way connected with the alleged offence and also there is no specific overt act attributed as



against these petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) submitted that since the de-facto complainant had committed an accident, the petitioners along with others have abused and attacked him and they have also caused damage to the government bus. He further submitted that no previous case is pending as against these petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, to show their bonafide, without prejudice to their defense and contention, are ready and willing to deposit a sum of Rs.2,000/- to the credit of this crime number. Therefore, he prayed to grant anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.



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7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioners are volunteered to deposit a sum of Rs.2,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, **the petitioners are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of Crime No.400 of 2023**, without prejudice to their rights and contentions, before the Court concerned and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Ponneri**, on condition that the petitioners shall execute separate bond each 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.

[b] the petitioners shall report before the respondent police, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

26.05.2023

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