



Crl.O.P.No.12642 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 alleged offences punishable under Sections 147, 148, 341, 294(b), 353, 307 and 506(ii) of IPC and Section 3 of TNPPDL Act in Crime No. 400 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused persons have abused and attacked the defacto complainant (who is the Transport Corporation Driver) with wooden log and iron rod and they have also damaged the windshield of the Government Bus. 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. He further submitted that the defacto complainant had driven the bus inside the village in a rash and negligent manner and hit against the



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two-wheeler and when it was questioned by the petitioner, a false complaint has been given against him. He further submitted that the arrested accused was enlarged on anticipatory bail by this Court in Crl.OP.No.12091 & 12191 of 2023 on 26.05.2023. Therefore, he prays to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that since the defacto complainant had committed an accident, the petitioners along with others have abused and attacked him and they have also caused damaged to the Government bus. He further submitted that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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 above fact and circumstances of the case and



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also considering the fact that the victim has been discharged from the hospital, 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 Judicial Magistrate No.II, Ponneri**, 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 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.



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[b] the petitioner shall report before the respondent police 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]**.

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

12.06.2023

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