



Crl.O.P.No.14023 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 294(b), 323, 427 and 506(i) IPC in Crime No.257 of 2023**, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Sadam Hussain is that the defacto complainant is running a provisional store. On 11.06.2023 at about 9.45 p.m., when the defacto complainant's relative one Kasim Meera was in the shop, the petitioner along with one Manikandan, went to the shop of the defacto complainant in an inebriated state and abused the said Kasim Meera in a filthy language and criminally intimidated him and also damaged the things worth about Rs.50,000/-. Hence, a complaint was lodged to the police control room through emergency No.100. Immediately, police came. However, since the said accused were in an inebriated condition, the police asked them to come to police station in the morning. Subsequently, one Nithyanandha called the defacto complainant and threatened him. Hence, the case.



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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 due to previous enmity. However, in order to show his bonafide, the petitioner is ready to deposit a sum of Rs.15,000/- to the credit of crime number and he 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 along with one Manikandan went to the shop of the defacto complainant in an inebriated condition and caused damages to the things kept in the shop to the tune of Rs.50,000/-. Further, the accused have threatened the defacto complainant with dire consequences.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) 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 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.

7.Accordingly, the petitioner is directed to **deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Crime No.257 of 2023** within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.1, Tambaram, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders;

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

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