



Crl.O.P.No.14176 of 2023

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WEB COPY **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 427, 336 and 307 of IPC in Crime No.497 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused in an inebriated condition abused the defacto complainant and other auto drivers and also caused damages to six auto rickshaws. Hence, the case.

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 would submit that the petitioner is a share auto driver and he had picked up the passengers in front of the auto stand and egress the same. The auto drivers had assaulted the petitioner and they have given a false complaint as if the petitioner had assaulted them and damaged the auto rickshaw. He further submitted that the case of the year is 2022 and



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the petitioner is ready to co-operate with the respondent in the investigation. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the accused in an inappropriate condition abused the defacto complainant and other auto drivers and also caused damages to six auto rickshaws. Hence, he would vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the also the submissions made on both sides, 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



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from the date on which the order copy made ready, before the **Judicial Magistrate No.II, Poonamallee**, on condition that the petitioner shall execute 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.

**[b] the petitioner shall report before the respondent police everyday at 06.30 p.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



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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.

**27.06.2023**

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