



Crl.O.P.No.14930 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 341, 294(b), 307, 506(2) r/w 120B IPC in Crime No.148 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in the case in Crime No.148 of 2023 for the offences under Sections 147, 148, 341, 294(b), 307, 506(2) r/w 120B IPC, on the basis of the confession statement of co-accused. Petitioner is innocent and apprehending his arrest, this petition is filed.

3. Learned Government Advocate (Criminal side) submitted that, there were two rival gangs. Petitioner belongs to one gang and accused belongs to other gang. In connection with a previous enmity, on 29.05.2023 at about 10.30 p.m., after dropping defacto complainant's mother's sister in hospital and when he was coming back to home, accused in this case had waylaid and attacked the defacto complainant.



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Prabakaran attacked him with knife and all the accused made death threat to the defacto complainant. Therefore, he prays for dismissing the petition.

4. Considered the submissions and perused the records.

5. Considering the nature of the offence alleged against this petitioner and other accused, and that the incident happened due to rivalry between two groups and the fact that injured had been discharged from the hospital and that the material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioner is not necessary.

6. In such circumstances, 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 Judicial Magistrate Court, Alandur**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty**



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Five 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.

[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



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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.

12.07.2023

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