



Crl.O.P.No.16284 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 306 read with 34 of I.P.C, in Crime No.136 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on a festival day i.e., on 12.10.2022, the defacto complainant, who is a driver under A1, along with other accused said to have went to Savitri Nagar to load ice in the said vehicle and during loading of ice, he turned on the keys of vehicle by mistake, due to which, the vehicle slipped into Godavari river, which was informed to owner of vehicle. Subsequently, villagers took the vehicle from the river and it was sent for repair and estimated cost of repair was arrived at Rs.1.5 lakhs, thereby, his owner demanded him to bear an amount of Rs.50,000/-. However, the petitioner along with other accused said to have called the defacto complainant's parents and demanded to pay a sum of Rs50,000/- and when they refused, they have



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scolded them and also threatned them with dire consequences. Due to the threat, on 05.12.2022, the parents of the defacto complainant had attempted suicide by consuming Phenol mixed Ant poisons and during treatment, his father died. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and as an elder of the village, he enquired the issue along with others, apart from that, he has not threatened the deceased. He further submitted that the petitioner has been falsely implicated in this case and he is ready to abide by any stringent condition that may be imposed by this Court. He also submitted that the co-accused in this case has already been granted anticipatory bail by this Court in Crl.O.P.No.13722 of 2023. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Pondicherry) for the respondent submitted that the petitioner who is arrayed as A1 along with other accused threatened the parents of the defacto complainant, due to



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which, they committed suicide, in which his father died. He further submitted that the investigation is still pending. He also submitted that the similarly placed co-accused in this case has granted anticipatory bail with a condition to deposit a sum of Rs.1 lakh to prove his bonafide. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner further submitted that the petitioner, without prejudice, is ready to deposit a sum of Rs.5,00,000/- to prove his bonafide before the trial Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and the submissions made by the learned counsel on either side and the co-accused in this case has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is 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, Yanam**, on condition that the petitioners shall execute a separate 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.

[b] the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.136 of 2022 before the concerned Magistrate within a period of three weeks from the date of receipt of copy of this order and no further extension will be granted to the petitioner;



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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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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