



CrI.O.P.No.16630 of 2023

CrI.O.P.No.16630 of 2023

G.CHANDRASEKHARAN. J.

The petitioner namely Zubair Ahmed, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 448, 427 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of harassment of Women Act in Crime No.1115 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case in Crime No.1115 of 2021 for the offences under Sections 147, 148, 294(b), 323, 448, 427 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of harassment of Women Act. It is his further submission that, co-accused was granted bail by this Court in Cr.O.P.No.335 of 2022 dated 12.01.2022. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, on 03.06.2021, at about 18.00 hours, the accused in this case illegally trespassed into the house of the defacto



Crl.O.P.No.16630 of 2023

WEB COPY

complainant with deadly weapons and threatened the defacto complainant to vacate the house. They also damaged the compound wall in the building. Thus, he prays for dismissal of this petition.

4. When this Court asked the learned Government Advocate (Criminal side), as to the value of the damage caused to the compound wall, learned Government Advocate (Criminal side), on instructions from Mr.Sivakumar, respondent police stated that, so far the value of the damage is not determined.

5. Considering the fact that, this case was registered on 28.12.2021 and the respondent police not chosen to arrest the petitioner shows that, the accused in this case is not required for the purpose of investigation and that the substantial 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 and 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 District Munsiff cum Judicial Magistrate, Sriperumbudur**, on condition that the petitioner



CrI.O.P.No.16630 of 2023

WEB COPY

shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty 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 appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on



WEB COPY



CrI.O.P.No.16630 of 2023

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.

28.07.2023

gd



WEB COPY



Crl.O.P.No.16630 of 2023

G.CHANDRASEKHARAN. J.

gd

Crl.O.P.No.16630 of 2023

28.07.2023