



Crl.O.P.No.17423 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 323, 324 & 506(ii) of IPC r/w Section 3 of TNPPDL Act, in Crime No.156 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that since the de-facto complainant's son is responsible for the death of the A1's friend, the accused had enmity over the family of the defacto complainant. Due to which, on 01.07.2023, the petitioner along with other accused waylaid the defacto complainant, abused and assaulted him and also set fire to the two wheeler of the defacto complainant. 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 further submit that A1 in this case was arrested and released on bail by the lower Court in Crl.M.P.No.2891 of 2023 on



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19.07.2023. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to previous enmity with regard to the death of the A1's friend in an accident caused by the de-facto complainant's son, the petitioner along with accused waylaid the defacto complainant, abused and assaulted him and also set fire the two wheeler of the defacto complainant. He would further submit that the injured has been discharged from the hospital. He would also submit that the petitioner earlier moved an anticipatory bail before the Principal District and Sessions Court, Vellore in Crl.M.P.No.2834 of 2023 and the same was dismissed. Hence, he opposed for grant of anticipatory bail to the petitioner.

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



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6. It is the specific case of the prosecution that the defacto complainant's son had driven the tractor and caused an accident, during the accident, the friend of A1 died and having curious over the said accident, the accused had waylaid the defacto complainant, abused, assaulted him and also set fire to his two wheeler.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Walajapet, Ranipet District**, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing



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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., for a period of four weeks;

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

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