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Crl.O.P.No.19307 of 2023

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G. CHANDRASEKHARAN, J.,

The petitioner namely Mohammed Abbas, who apprehends arrest at the hands of the respondent police for the offence under Sections 447, 427 and 436 of IPC in Crime No.134 of 2023 on the file of the respondent seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is a watchman and he was crossing the defacto complainant's Advocate Office, in suspicion, he is implicated in this case. He further submitted that, co-accused in this case were arrested and released on bail. Apprehending arrest, this petition is filed.

3. In response, learned Additional Public Prosecutor submitted that, on 17.05.2023, accused in this case, due to previous enmity, have set fire to the Advocate Office. As a result, case bundles had been burnt. Investigation in this case is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.



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4. Considered the rival submissions and perused the records.

5. This is the second anticipatory bail petition. The earlier anticipatory bail petition filed by the petitioner in Crl.O.P.No.19307 of 2023 was dismissed on 13.07.2023. Since the dismissal of the first anticipatory bail petition, the respondent police had not taken any steps to arrest the petitioner.

6. Taking into consideration the facts of the case and to take the case to the next level, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, 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.II, Erode** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)**



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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 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 daily at 10.30.a.m., until further orders

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR
can be registered under Section 229A IPC.

31.08.2023

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