



Crl.O.P.No. 22159 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A4, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 364(A), 387, 342, 392, 506(ii) of IPC and Section 25(1)(a) of Arms Act, 1959, in Crime No.373 of 2023, seeks anticipatory bail.

2.The defacto Complainant had given a complaint on 04.08.2023 stating that when he was in project site, the petitioner along with other accused had approached him and demanded mamool in the name of first accused. Thereafter, they had taken him to two wheeler to Vysarpadi Housing Board where he was threatened and a sum of Rs.10,000/- was taken from him. Subsequently, the defacto complainant had withdrawn the said complaint.

3.This aspect was noted by the learned Single Judge of this Court in Crl.O.P.No.18847 of 2023 on 23.08.2023, wherein it had stated that the said withdrawal was only due to the threat offered by the accused.

4.The learned Single Judge had observed as follows:

"This Court carefully went through the materials placed. On carefully going through the same, this Court found



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that the accused persons including the petitioner had infact gone the project site and the CCTV footage establishes the same. Likewise, the 2nd respondent coming into police station to give a complaint and leaving the police station, has also been captured in the CCTV footage. The allegations that have been made in the complaint are really serious which requires investigation. It is not known as to why all of a sudden the 2nd respondent has turned turtle and wants to withdraw the case. The learned counsel for the petitioner projected a case as if the petitioner was appearing for some accused persons and therefore, a false case has been fabricated against the petitioner who is an Advocate. The pistol was found to be in possession of the petitioner and the petitioner is justifying the possession of the pistol based on the license and curiously this license has been issued by the State of Nagaland. The petitioner who is a permanent resident of Chennai has managed to get a gun license at Nagaland. These are matters which tells the Court that this is not a normal case as was sought to be projected by the learned counsel for the petitioner".

5. This Court had called for explanation from Principal District and Sessions Judge, Tiruvallur and the explanation dated 12.10.2023 had been forwarded. It had been contended that after dismissing the bail application on four separate occasions, finally the bail had been granted.



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6. The learned counsel for the petitioner/A4 stated that the defacto complainant had actually withdrawn the complaint and the prime accused is the first accused and that the petitioner herein is no role to play.

7. In the counter affidavit filed by the respondent/investigating agency, it had been stated that there was no written letter by the complainant for withdrawing the case.

8.It is seen that Crl.O.P.No.18847 of 2023 had been dismissed on 23.08.2023. On the side of the respondent, it is stated that the investigation is progressing and that the charge sheet would be filed immediately after completion of the investigation.

9.Taking into consideration all these facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. 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.II, Ponneri, 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



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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 on everyday 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.

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