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Crl.O.P.No.278 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 427, 294(b), 341, 323 & 506(2) of IPC, in Crime No.318 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that the petitioner along with other accused went to the defacto complainant's shop and broke the mobile phone glass stand and caused damaged to his property. Further, it is alleged that the the petitioner abused the defacto complainant in a filthy language and threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that he has been falsely implicated in this case. He would also submit that without



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prejudice, he is ready and willing to deposit a sum of Rs.5,000/- to the credit of Crime No.318 of 2022 towards the alleged damage caused to the mobile phone glass stand. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused caused damage to the glass stand in which mobile phones were kept in the defacto complainant's shop and abused him in a filthy language and also threatened him with dire consequences. He would further submit that the mobile phone glass stand was fully damaged. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



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6.Considering the facts and circumstances of the case and the submissions made by the learned counsel, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.318 of 2022** and on such deposit, 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 XIV Metropolitan Magistrate Court, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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



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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.5,000/- (Rupees Five Thousand only) to the credit of Crime No.318 of 2022, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant, who shall utilize the said amount for repairing damaged mobile phone glass stand.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f) 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



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in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***;
and;

(g)if the accused thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC;

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