



Crl.O.P.No.725 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A-2 who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 387 and 506(2) of IPC in Crime No.313 of 2023, seeks anticipatory bail.

2. The learned counsel for the petitioner stated that he has been falsely implicated as an accused in this case. Apprehending arrest from the respondent police, he seeks bail to the petitioner.

3. The learned Government Advocate (Crl.Side) stated that the petitioner is the second accused. The first, third, fourth and fifth accused had been taken into custody.

4. The earlier application seeking anticipatory bail was dismissed on 08.11.2023 in Crl.O.P.No. 25552 of 2023. The significant change in circumstances is that two of the accused, namely, the accused Nos. 1 and 3 had been granted bail by the learned Principal District and Sessions Judge at Coimbatore, by an order dated 12.12.2023 & 15.12.2023. The other two accused are still in custody.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. 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 Principal District and Session Judge, Coimbatore, 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 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 daily 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.



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[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]**.

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

02.02.2024

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