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Crl.O.P.No.2983 of 2024

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And
Crl.M.P.No. 4224 of 2024

C.V.KARTHIKEYAN, J.

The intervening Petition in Crl.M.P.No. 4224 of 2024 stands ordered.

2. The petitioner/first accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324, 506(ii) of IPC read with Section 3 of TNPPDL Act 1992 in Crime No.10 of 2024, with respect to the occurrence which took place on 28.01.2024 and for which FIR was registered on 29.01.2024, seeks anticipatory bail.

3. There is yet another accused who is absconding. It is stated that the accused went over to the Government TASMAL Bar at Ammasipalayam, Kokkarayanpettai, Namakkal District, where the defacto complainant was the bar supplier. The accused demanded liquor without payment. This was refused, which led to a quarrel which escalated into violence. They also broke tables, fan and CCTV. They also caught hold of the neck of the defacto complainant.



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4. The learned counsel for the intervenor raises very strong objections for grant of any relief.

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

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 Judicial Magistrate, Kumarapalayam, 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., for a period of two weeks and thereafter as and when required.



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[c] the petitioner is directed to deposit a sum of Rs.10,000/- to the credit in Cr.No. 10 of 2024 and on such deposit, the learned Judicial Magistrate, Kumarapalayam, may hand it over to the defacto complainant.

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

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



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7. It is made clear that if the second accused in this FIR in Cr.No. 10 of 2024 is to approach the Sessions Court, Namakkal for seeking anticipatory bail, it would only be appropriate that the learned Sessions Judge, who has every right to exercise discretion while exercising discretion, keeps in mind the loss suffered to the defacto complainant.

21.03.2024

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