



Crl.OP.No.3538 of 2024

Crl.O.P.No.3538 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 353 and 506(ii) of I.P.C of I.P.C and Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.464 of 2023, seek anticipatory bail.

2. It is stated that there are totally 4 accused and all of them, under the influence of alcohol, entered into a quarrel in Riaz Biriyani shop at Poompuhar Nagar near Ganga theater and when the police persons came there, they continued to quarrel with the police and it is stated that the windshield of the police vehicle was also broken. The first accused had filed Crl.O.P.No.28680 of 2023 seeking anticipatory bail and since he was arrested the said petition has been dismissed vide order dated 03.01.2024.



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3.A3 had been granted anticipatory bail in Crl.OP.No.28153 of 2023 by an order dated 03.01.2024. Taking all the factors into consideration, anticipatory bail of this petitioner however was dismissed on 03.01.2024.

4. However, the change in circumstances is that all the other three accused have subjugated themselves to judicial process. Taking that factor into consideration and also the fact the investigation has proceeded to further extent, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

5. 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 Metropolitan Magistrate Court-XIII, 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



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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 everyday 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.

[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.



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