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Crl.O.P.No.7234 of 2024

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) 353, 307, 506(ii) @ **294(b), 353, 307, 506(ii) IPC & 384, 109, 120(b) IPC** in Crime No.**261 of 2024**, seeks anticipatory bail.

2. The case of the prosecution is that the respondent is that on 09.03.2024 the Sub-inspector of police Natarajan had filed a special report before the Inspector of Police that on 09.03.2024 while he along with his team were doing vehicle checking duty within their jurisdiction limit at basin Road near Concord at 5.00 pm a person driving a two wheeler in a rash and negligence manner towards tondiarpet from thiruvotriyur seeing that two wheeler the complainant had doubt over the person so he tried to stop the vehicle, the person who drove the two wheeler had come near the complainant as if he was going to stop the vehicle but rather he started abusing the complainant and challenged the complaint to catch him, the complainant vigilantly try to catch the accused person but the accused person had taken a knife from the two



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Wheeler seat and tried to assault the complainant in that the complaint had unfortunately escaped then the complainant con along with his team had caught hold the accused person and enquired him, the accused person confessed that his name is Magendran and he is residing at Kamaraj Nagar, Burma Colony, New Washermenpet. Then further he states that he is the close associates of ESA, and he used to collect Mamul from their area according to the instruction of ESA. Based on that initially FIR was registered U/s 294(b), 353, 307 & 506(ii) IPC. After that the INSPECTOR OF POLICE had taken the case for further investigation and visited the spot and prepared the observation Maghazer and sketch then enquired the witness and recorded their statements then recorded the confession statement of the accused in that confession he had stated that he know the Advocate Sarath Kumar, his clients were ESA @ ESWARAN and ELI @ YUVARAJ when the advocate go to meet his client at ponneri court he also went along with him and there the advocate had introduced the first accused to ESA and ELI, after that the first accused use to collect mamul from various persons from their area and hand over the same to one Mr. Sathish brother in law of ESA, Further he stated that the Sathish use to



give some cash to the first accused and this petitioner and thus this case was altered and three more persons have been implicated as an accused in this case including this petitioner. Hence the complaint.

3. The learned counsel for the petitioner submits that the fact of the case is that there are four accused in this case this petitioner arrayed as A-3, this petitioner is practising as an Advocate from the year 2017 before all the subordinate courts and sessions court throughout Tamil Nadu, the other accused in this case were his clients, this petitioner never collected any mamul from any of the persons, he used to get fees from his clients for discharging his profession. Since this petitioner defending the other accused from their case the respondent police had implicated this petitioner as an accused in this case, order to spoil the reputation of this petitioner and to leave the cases of other accused the respondent had prepared a confession by implicating this petitioner as an accused in this case. Hence he prays to allow this petition.

4. Heard both sides.

5. Considering the above fact and circumstances of the case, based on the confession the petitioner implicated in this case and also the



petitioner is advocate representing one Esa @ Ewaran in CrI.MP. No. 748 of 2023 for which he obtained money from him. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruvotriyur**, on condition that the petitioners shall execute a separate 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.



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[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

02.04.2024

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