



Crl.O.P.No.9979 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 147, 148, 294(b), 323, 326, 506(ii) IPC in Crime No.136 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that on 16.04.2024, one Mr.Jeyaveeran has lodged a complaint stating that on 15.04.2024, that the defacto complainant and the petitioner are belong to the same area. The petitioner along with others used to involve themselves in a petty quarrel with other area youth, as such on 15.04.2024, the petitioner along with others during a petty quarrel pelted stone on each other whileso, one of the stone fell on the defacto complainant's head and he sustained injuries. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that he is an innocent person and he did not commit any offence. Since there was a previous enmity between the defacto complainant and the petitioner, in order to harass the petitioner the defacto complainant had lodged the complaint. He is no way connected with the above offence. He is ready to abide by any condition



that may be imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioner.

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

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed 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 Judicial Magistrate No.II, Nagapattinam, 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 the petitioner, or to the satisfaction of the learned Magistrate concerned,



failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.136 of 2024, before the concerned Magistrate within a period of two weeks from the date on which the order copy made ready and on such deposit, the defacto complainant is permitted to withdraw the said amount on filing undertaking affidavit and proper identification and acknowledgment;

(c) the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial;

(d) the petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for a period of eight



weeks;

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

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

(g) 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 Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

29.04.2024

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