



Crl.O.P.No.12400 of 2024

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C.SARAVANAN, J.

Apprehending arrest in Crime No.189 of 2024 by the respondent for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 448, 427 and 506(ii) of IPC, and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992, the petitioner is before this Court and seeks an order of anticipatory bail under Section 438 of Cr.P.C.

2. The petitioner, apprehending the arrest in Crime No.189 of 2024, is before this Court. The accused No.1 was arrested and still is in custody. However, three of the co-accused in Crime No.189 of 2024 have been granted the Anticipatory Bail by this Court by an order dated 17.05.2024 in Crl.O.P.No.11986 of 2024.

3. Learned Government Advocate (Crl. Side) for the respondent Police would submit that the petitioner herein along with the co-accused had refused to pay after consuming tea and other savouries vended by the de-facto complainant and injured the de-facto complainant and further abused him with the dire consequences. He would further submit that there is a previous pending against the petitioner.

4. The learned Government Advocate (Crl. Side) would confirm that



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the de-facto complainant was discharged from the hospital.

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5. Considering the facts and circumstances of the case and the submissions made on either side, considering the nature of involvement of the petitioner in unruly behaviour in failing to pay for the tea and eateries consumed at the de-facto complainant's tea shop and considering the fact that three of the co-accused have already been granted the Anticipatory Bail by an order dated 17.05.2024 in Crl.O.P.No.11986 of 2024, this Court is inclined to grant the relief to the petitioner subject to the petitioner paying a sum of Rs.5,000/- to the de-facto complainant.

6. Considering the same and the fact that there was an attempt to take law into their own hands, the Court is inclined to grant Anticipatory Bail to the petitioner and the petitioner shall be released immediately on bail, in the event of arrest or on his appearance, with subject to the following conditions :-

[a] the petitioner shall appear before the learned District Munsif-cum-Judicial Magistrate, Uthukottai within a period of fifteen days from the date on which the order copy made ready;

[b] 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



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or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned;

[c] 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;

[d] the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the de-facto complainant;

[e] 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 for interrogation;

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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]**;

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

23.05.2024



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