



Crl.O.P.No.12417 of 2024

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C.SARAVANAN, J.

The petitioner apprehends arrest by the respondent police for the alleged offence under Sections 341, 294(b) and 353 of Indian Penal Code, 1860 in Crime No.175 of 2024, the petitioner is before this Court and seeks an order of anticipatory bail under Section 438 of Cr.P.C.

2. The case of the prosecution is that the defacto complainant/ Karthick, who is a conductor of MTC Government bus no.38C lodged a complaint to the respondent police stating that on 07.05.2024 at about 4:52PM, college students, who were travelling by bus climbed on the bus roof and created nuisance to the co-passengers and said obscene words against the driver and the conductor of the bus.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He also



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further submitted that there is no specific overt act as against the petitioner and his name is also not in the FIR. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused had travelled on the roof of the bus apparently creating ruckus, thereby caused disturbance to the co-passengers and to the conductor and driver of the bus. He also further submitted that the accused A1 to A7 were arrested on various dates and some of them were also granted bail. However, he opposed to grant anticipatory bail to the petitioner.

5. Having considered the submissions of the learned counsel for the petitioner and learned Government Advocate (Crl. Side). Even though the conduct of the petitioner and other accused is reprehensible as not only putting their lives in danger but also caused inconvenience to the co-passengers and staff members of MTC bus, however considering the age of the petitioner and the fact that the petitioner is a college going



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student, this Court has taken lenient view in granting anticipatory bail to the petitioner subject to the condition that the petitioner and the petitioner's parents may report to the respondent police station daily for a period of one week from the date of receipt of this order along with other stipulated conditions.

6. Accordingly, the petitioner shall be released on bail in the event of arrest or on his appearance immediately on the following conditions :-

[a] the petitioner shall appear before the learned II Metropolitan Magistrate Court, Egmore, Chennai 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 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



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and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioner shall donate a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) to Sivananda Gurukulam Kattankolathur, Chengalpattu**, within a period of two weeks from the date of receipt of this order copy.

[e] the petitioner along with his parents shall report before the respondent police daily for a period of one week and thereafter the petitioner shall report before the respondent police 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]**.



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

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