



Crl.O.P.No.13990 of 2024

Crl.O.P.No.13990 of 2024

WEB COPY

T.V.TAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 324, 506(ii) and 379 of IPC r/w Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.27 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 11.02.2023, the petitioner along with other accused looting the defacto complainant's shop and attacked him with knife and also taken away the mobile phone of the defacto complainant. Hence the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He also submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner along with other accused had attacked



Crl.O.P.No.13990 of 2024

the defacto complainant and committed theft of his mobile phone at knife point. He further submits that there is three previous cases pending as against the petitioner and that no recovery was made. Hence, he opposed to grant anticipatory bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate, Gummudipoondi**, 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:



WEB COPY



CrI.O.P.No.13990 of 2024

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.27 of 2023, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the concerned Court at the time of executing the bail bond and on such deposit, the defacto complainant shall be permitted to withdraw the same, on filing of "undertaking affidavit and proper identification and acknowledgment."

[b] 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;

[c] the petitioner shall report before the respondent police on alternate days for a period of eight weeks and thereafter, as and when required for interrogation;

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

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

[f] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



Crl.O.P.No.13990 of 2024

WEB COPY

appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is released on anticipatory 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

18.06.2024

ssi



WEB COPY



CrI.O.P.No.13990 of 2024

T.V.TAMIHSELVI, J.,

ssi

CrI.O.P.No.13990 of 2024

18.06.2024