



Crl.O.P.No.28467 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A-4, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) BNS (Equivalent to 147, 148, 294(b), 323, 324, 506(ii) I.P.C) and Section 4 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.218 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 31.10.2024, the accused persons were bursting crackers outside the de-facto complainant's brother-in-law's (Manikandan) house and there was a wordy quarrel between the said Manikandan and the accused. Based on his information, the de-facto complainant along with others, came to the spot and the accused persons abused and assaulted the de-facto complainant and others and burnt their two wheelers . Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent while opposing for grant of anticipatory bail to the petitioner would submit that the co-accused had already been arrested and released on bail.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, the co-accused already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, **petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.218 of 2024, before the concerned Magistrate Court, within a period of two weeks from the date on which the order copy made ready, in case of default to deposit the same before the crime number, the said amount handed over to the de-facto complainant.** Accordingly, the petitioner is ordered to be released on bail in the event of



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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, Sholingur**, on condition that the petitioner 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.

[b] **the petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;**

[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



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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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

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