



Crl.O.P.No.28228 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sections 147, 148, 294(b), 449, 506(ii) and 307 IPC read with 25(1A) of Arms Act, 1959 in Crime No.89 of 2023, seeks anticipatory bail.

2. The learned counsel for the Petitioner stated that the Petitioner is an innocent person and he has been falsely implicated for the offences under Sections 147, 148, 294(b), 449, 506(ii) and 307 IPC read with 25(1A) of Arms Act, 1959 in Crime No.89 of 2023. According to the Petitioner, the defacto complainant was working as a driver under A1 and salary was not paid to him. There were disputes between the defacto complainant and A1. It is stated that the Petitioner's name is not found in the first information report. Thus, he seeks anticipatory bail to the Petitioner.

3. It is stated by the learned Government Advocate (Criminal Side) that the defacto complainant and A1 were jointly doing business and there were disputes between them. A1 had threatened the defacto complainant with



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gun and the defacto complainant escaped. It is stated that the Petitioner is one of the person working along with A1. Co-accused had been arrested. Thus, he prays for dismissal of this petition.

4. The earlier application for anticipatory bail was dismissed on 18.10.2023 in Crl.O.P.No.23913 of 2023. Today, when the matter is taken up for hearing, the learned Government Advocate (Criminal Side) stated that the the first Accused had been arrested and also the gun has been seized.

5. However, considering this change in circumstances, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions. Accordingly, the Petitioner is ordered 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 Judicial Magistrate – I at Tambaram**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on



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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 daily at 10.30 a.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 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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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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