

CRL.O.P.No.13839 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 325 and 506(ii) IPC in Crime No.144 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that in a wordy quarrel, the first petitioner is alleged to have abused the defacto complainant in a filthy language and attacked him and caused injury and threatened him with dire consequences.

4. Learned Counsel for the petitioners submitted that the petitioners have not committed any such offence and the defacto complainant has given a false complaint against them.

5. Learned Government Advocate (Crl. Side) on instructions submitted that the injured has been discharged from the hospital. He further submitted that the second and third petitioners are not an accused in this case.

6. Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital, **this Court is inclined to grant anticipatory bail to the first petitioner.**

7. Accordingly, the first petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date

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of receipt of a copy of this order, before the **Judicial Magistrate No.I, Ponneri** subject to the following conditions:

(i) the first 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 Magistrate concerned;

(ii) the first 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.

(iii) the first petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the first petitioner shall not abscond either during investigation or trial.

[v] on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first petitioner released on bail by the 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]**.

8. As the second and third petitioners are not an accused in this case, this petition, with regard to the second and third petitioners, is dismissed.

**05.07.2016**

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