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Crl.O.P.No.15679 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(1) of IPC, in Crime No.990 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that defacto complainant is practicing Advocate lodged a complaint before the respondent police stating that when his client one Koteeswaran along with some Advocates including the defacto complainant went to the petitioner's house to solve the issue between the said Koteeswaran's daughter and her husband, the petitioner along with his brother have abused them in filthy language and also assaulted them. Hence, the defacto complainant lodged a complaint against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner



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is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has already been granted anticipatory bail by this Court in Crl.OP.No.25430 of 2021 dated 23.12.2021. However, due to Covid-19 pandemic situation, the petitioner could not able to comply the earlier order passed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that when the defacto complainant along with other Advocates went to the petitioner's house, there arose wordy quarrel between the parties and the petitioner is alleged to have assaulted the defacto complainant and others. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that there was wordy quarrel between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. 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 learned Judicial Magistrate No.I, Poonamallee, 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 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 on every Saturday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

[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.



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[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]**.

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

7. With the above directions, this Criminal Original Petition is ordered.

07.07.2022

G.K.ILANTHIRAIYAN, J.



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