



Crl.O.P.No.22366 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of IPC r/w Section 3 of the Tamil Nadu Public Property (prevention of Damage & Loss) Act 1992 in Crime No.212 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners who are the customers in the hotel run by the defacto complainant refused to pay after eating. When it was questioned by the defacto complainant, there was a wordy quarrel, during the quarrel, the petitioners have assaulted the defacto complainant and his father and also caused damages to the furnitures worth of Rs.10,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been foisted against them. He would further submit that the petitioners had gone to the hotel of the defacto complainant and they were served stale food,



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during which time, there was a quarrel and a false complaint has been given. He would further submit that the petitioners were also assaulted by the defacto complainant and his father and based on the complaint given by the petitioners, a case in Crime No.213 of 2022 has been registered against the defacto complainant. He would further submit that without prejudice, the petitioners are prepared to deposit Rs.5,000/- each to the credit of Crime Number and he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners who are the customers of the hotel run by the defacto complainant refused to pay after eating. When the same was questioned by the defacto complainant, the petitioners have assaulted the defacto complainant and his father and also caused damages to the furnitures worth of Rs.10,000/-. He would further submit that it is a case in counter and hence, he vehemently opposed for grant of anticipatory bail to the petitioners.



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5.Taking into consideration the facts of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6.Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) **each to the credit of Crime No.212 of 2022** and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Tindivanam on condition that each of the petitioners shall execute separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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condition that:

[a] the petitioners 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 petitioners 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.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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**



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5560];

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

vkr

23.09.2022

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