



Crl.O.P.Nos.23355 & 23420 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 147, 148, 294(b), 324, 307 and 506(ii) of IPC in Crime No.267 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity on account of the petitioners turning hostile in murder case, there was a quarrel, due to which, the petitioners have abused the defacto complainant with filthy language and also assaulted him. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He would further submit that in fact the defacto complainant had assaulted the petitioners at the time of occurrence and had given a false case against them. Based on that incident, A1 had



Crl.O.P.Nos.23355 & 23420 of 2022

already lodged a complaint before respondent police and a case has been registered in Crime No.268 of 2022 . Later as a counter blast, the defacto complainant had given a complaint in Crime No.267 of 2022. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that due to previous enmity, the petitioners along with the other accused had abused the defacto complainant and also assaulted him. He would submit that it is a counter case and there is no previous case against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances and also taking note of the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, petitioners are ordered to be released on bail in



Crl.O.P.Nos.23355 & 23420 of 2022

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 XV Metropolitan Magistrate, George Town, Chennai**, on condition that each of the petitioners shall execute a 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 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 every day at 10.30 and 5.30 pm until further orders.

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



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Crl.O.P.Nos.23355 & 23420 of 2022

[f] the petitioners shall not abscond either during investigation or trial;

A.D.JAGADISH CHANDIRA.J.

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[g] 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 5560]*; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

27.09.2022

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Crl.O.P.Nos.23355 & 23420 of 2022