



Crl.O.P.No.23079 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 and 506(i) of IPC read with Section 4 of TNPWH Act, 1998, in Crime No.678 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that the petitioners had enmity on account of business motive, assaulted the de facto complainant with hands and also pushed him, due to which, he sustained injuries. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and the incident had occurred during a quarrel and fight. He would further submit that on the complaint given by the petitioners, a case in Crime No.679 of 2022 has been registered by the respondent police. He would submit that the second petitioner has been arrested and remanded to judicial custody and he would also submit that



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the charges are only against the second petitioner. Hence he seeks to grant anticipatory bail in respect of the first petitioner.

4. The learned Government Advocate (Criminal side) would submit that this is the case and case in counter. During the free fight, the petitioners have assaulted the de facto complainant resulting in him sustaining injuries and losing 2 teeth. Hence, he vehemently opposed to grant anticipatory bail to the first petitioner.

5. The learned counsel for the intervenor would submit that the petitioners have brutally assaulted the de facto complainant resulting in him sustaining injuries and losing 2 teeth.

6. Taking into consideration of the facts and submission and that the second petitioner was arrested, it is a case and case in counter and further on the complaint given by the petitioner, a counter case was also registered in Crime No. 679 of 2022, I am inclined to grant Anticipatory Bail with certain conditions.



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7. Accordingly, the first 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.2, Poonamallee, on condition that the each of the first petitioner 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 first 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 first petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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