



Crl.O.P.No.23854 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), 427, 448, 323, 324, 307 and 506(2) of IPC in Crime No.352 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is running a tea shop – cum – briyani shop for the past 2 ½ years. On 16.09.2022, at about 11.00 p.m., A1/ 1<sup>st</sup> petitioner herein had come to the shop of the *de-facto* complainant, bought a cigarette and did not pay the money. When the same was questioned by the *de-facto* complainant, A1 threatened him saying that he should not ask for money from him. Next day on 17.09.2022, the 1<sup>st</sup> petitioner along with 10 rowdy elements abused in filthy language and assaulted the *de-facto* complainant and his employees with wooden log and also intimidated them and caused damage to the articles in the shop. Hence, the case.





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5. The learned counsel for the intervenor would submit that on the previous day, A1 came to the shop of the *de-facto* complainant asked for a cigarette and he did not pay the money. When it was questioned by the *de-facto* complainant, A1 had threatened the *de-facto* complainant and on the next day, he along with his 10 rowdy elements came to the shop of the *de-facto* complainant and ransacked the entire shop. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and submissions and also the fact that without prejudice each of the petitioners are ready to deposit a sum of Rs.10,000/- to the credit of crime No.352 of 2022, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, each of the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.352 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to



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be released on bail in the event of arrest or on their appearance, before the **learned Judicial Magistrate-1, Chengalpet**, on condition that each of the petitioners shall execute a 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 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] each of the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.352 of 2022, within a period of two weeks from the date of receipt of a copy of this order.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily



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at 10.30 a.m. and 5.30 p.m., until further orders.

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

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

[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]**.

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

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