



Crl.O.P.No.25089 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 427 and 506(ii) of IPC in Crime No.309 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused 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 petitioner along with other accused have abused the defacto complainant in filthy language and also assaulted him with wooden log and caused damages to the hotel worth about Rs.10,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been foisted against him. He would further submit that the petitioner and his friends had



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gone to the hotel of the defacto complainant and they were served stale food, during which time, there was a quarrel and a false complaint has been given. He would further submit that without prejudice, the petitioner is prepared to deposit Rs.5,000/- to the credit of Crime Number and he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused 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 petitioner along with other accused have assaulted the defacto complainant and also caused damages to the hotel worth of Rs.10,000/-. He would further submit that the injured has been discharged from the hospital and hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration of the facts and circumstances of the case and also of the fact that the injured has



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been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) **to the credit of Crime No.309 of 2022** and on such deposit and on receipt of proof of payment, 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, Thiruthuraipoondi, Thiruvavarur District, on condition that the 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond



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

[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

17.10.2022

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