



Crl.O.P.No.26754 of 2022

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A.D.JAGADISH CHANDIRA.J.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 395, 397 and 506(ii) of IPC in Crime No.663 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant is that, he is running a hotel and with regard to the quantity of food supplied, the petitioners along with other accused had quarrelled with the defacto complainant and assaulted him and also taken away a sum of Rs.7,000/- from the cash box. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that A1 only had gone to the defacto complainant's hotel and purchased some food, thereafter there was a quarrel with regard to the quantity of the food supplied. On retaliation, the defacto complainant had lodged a



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false complaint, as if the petitioners along with other accused had robbed a sum of Rs.7,000/-. He would further submit that A1 in this case has already been enlarged on bail by this Court in Crl.O.P.No.26889 of 2022 on 04.11.2022. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the defacto complainant is running a hotel and with regard to the quantity of food supplied, the petitioners along with other accused had quarrelled with the defacto complainant and assaulted him and also taken away a sum of Rs.7,000/- from the cash box. He would further submit that the stolen amount has been recovered and there is no previous case pending against the petitioners. However, he opposed to grant bail to the petitioners.

5.Heard the learned counsel and also perused the materials available on record.

6.Taking into consideration the facts and submissions and the co-



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accused in this case has already been enlarged on bail by this Court and also considering that stolen amount has been recovered, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, 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, Kanchipuram**, 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 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



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twice daily at 10.30 a.m., and 05.30.p.m., for a period of two weeks and thereafter on every Saturday at 10.30.a.m., until further orders.

[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 5560]*; and;

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

10.11.2022

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10.11.2022