



Crl.O.P.Nos.26921 & 26926 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 324, 341 and 506(ii) of IPC in Crime No.338 of 2022, seek anticipatory bail.

2.The case of the prosecution, as per the defacto complainant/Prathap Babu, is that on 30.09.2022 when he was going in his two wheeler, 3 unknown persons waylaid him and also assaulted him with wooden stick and also threatened him and the defacto complainant had warned one Mohan not to sell liquor in black market just three days before the date of occurrence, so the defacto complainant suspected that Mohan is the mastermind for the incident. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He would further submit that the names of the petitioners does not find place in the FIR and even as per the prosecution,



the defacto complainant has given a complaint only on suspicion. He would submit that one Ravikumar was arrested and based on the alleged confession said to have been recorded from the said Ravikumar, the petitioners have been implicated in this case. He would also submit that there is no previous case pending as against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that due to previous enmity, the petitioners along with other accused waylaid and assaulted the defacto complainant with wooden log, resulting in him sustaining injuries. He would submit that one Ravikumar was arrested based on the CCTV footages and the investigation reveals that there is a civil dispute pending between the parties. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6.Taking into consideration the facts and circumstances of the case



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and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners 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 Metropolitan Magistrate No.II, Egmore, Chennai**, 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 everyday at 10.30 a.m., until further orders.



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[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]**.

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

11.11.2022

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