



Crl.OP.No.27564 of 2022

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, and 506(ii) of IPC and subsequently included the offence under Section 307 of IPC in Crime No.269 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity on account of a civil dispute, the petitioners have brutally attacked the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and it is a case and case in counter. He would further submit that this Court dismissed the petitioners' earlier anticipatory bail petition vide order dated 28.09.2022 in Crl.OP.No.23576 of 2022 on the ground that three persons had brutally assaulted the defacto complainant and the injuries sustained by him are very serious in nature. He would also submit that as far as this case is concerned, the first petitioner also suffered stab injuries on the chest and the incident happened only during exercising the right of private defence and the defacto complainant party are the aggressors.



He would further submit that now the other injured persons are discharged from the hospital and the petitioner was also treated as in-patient for two days and he is also taking continuous treatment. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that it is a case whereas three persons brutally assaulted the defacto complainant and the injuries sustained by the defacto complainant are serious in nature. However, he would submit that it is a case and case in counter and the first petitioner also sustained stab injuries in the upper abdomen and he was also admitted in the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the counsel and the period in between, this Court is inclined to grant anticipatory bail with certain conditions.

6. 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-I, Sankari*** on condition that each of the petitioners shall execute separate bonds 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 stay at Chennai and report before the Inspector of Police, Mylapore, Chennai every day 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]**.

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

14.11.2022

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