



Crl.O.P.Nos.29480 & 29484 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 294(b), 323 and 506(i) of IPC in Crime No.569 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one C.Jayaprakash M.B.A, L.LB., Advocate is that on 17.09.2022 around 06.45.p.m., while he was discussing with his client in front of his office, the accused had abused him in filthy language and snatched his cell phone and slapped him and attempted to kill him by strangulation. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are working under the defacto complainant and due to misunderstanding, a false complaint has been given. He would further submit that the petitioners are trained



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by the defacto complainant and they express their remorse for the incident and also seek apology from the defacto complainant. He would further submit that the petitioners have also filed affidavit before this Court seeking unconditional apology from the defacto complainant. He would further submit that the petitioners also undertakes that they will not interfere with the defacto complainant hereinafter. Hence he seeks to grant anticipatory bail in respect of the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioner was earlier working under the defacto complainant had without any provocation abused him and also strangled him and threatened him of dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners

5. The learned counsel appearing for the defacto complainant would submit that the petitioner without any provocation had abused the defacto complainant and also strangled him and also given life threat to him. Thereby, he opposed to grant bail to the petitioners.



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6. Heard the learned counsels and perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and submission and also considering the affidavit filed by the petitioners, this Court is inclined to grant Anticipatory Bail with certain conditions.

8. 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, Namakkal on condition that the 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:



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[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 Tiruttani and report before Inspector of Police, Tiruttani Town Police Station daily at 06.30.p.m., until further orders. It is made clear that the petitioners shall not enter into the jurisdictional limit of the respondent police.

[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]**.



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

[g] the affidavit filed by the petitioners shall form part of the Court records.

30.11.2022

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