



Crl.O.P.No.30745 of 2022

Crl.O.P.No.30745 of 2022

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324, 427 and 506(ii) of IPC in Crime No.902 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 11.11.2022, the petitioner attempted to encroach the shop by keeping groceries in front of his shop and when it was questioned by the defacto complainant, the petitioner had abused the defacto complainant in filthy language and assaulted him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are adjacent shop owners and due to previous enmity, a false complaint has been given against him. He would further submit that the co-accused in this case has already been granted bail in Crl.M.P.No.5657 of 2022 by the learned Principal District Sessions Judge, Chengalpet. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.30745 of 2022

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner and the defacto complainant are adjacent land owners. Due to dispute with regard to keeping groceries in front of the shop, there was a wordy quarrel arose between them, during the quarrel, the petitioner abused the defacto complainant in filthy language and also assaulted him. He would further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the injured has 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 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



CrI.O.P.No.30745 of 2022

WEB COPY

District Munsif cum Judicial Magistrate, Pallavaram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 on every Wednesday at 10.30 a.m., for a period of eight weeks.

[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



WEB COPY



Crl.O.P.No.30745 of 2022

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 absconds, a fresh FIR can be registered under Section 229A IPC;

16.12.2022

vkrr

T.V.THAMILSELVI, J.



WEB COPY



Crl.O.P.No.30745 of 2022

vkf

Crl.O.P.No.30745 of 2022

16.12.2022