



Crl.O.P.No.184 of 2023

WEB COPY

Crl.O.P.No.184 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324 and 506(ii) of IPC r/w Section 34 of IPC in Crime No.490 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the accused picked up a quarrel with the defacto complainant, during the quarrel, the accused had abused him in a filthy language, assaulted him with knife and also threatened him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are relatives and due to previous enmity, a false complaint has been given against him. He would further submit that A1 in this case has already been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.184 of 2023

WEB COPY

4. The learned Government Advocate (Crl.Side) would submit that the petitioner and the defacto complainant are relatives. Due to previous enmity, there was a wordy quarrel arose between them, during the quarrel, the petitioner along with others had abused him in a filthy language, assaulted him with knife and also threatened him. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also 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 Metropolitan Magistrate No.V, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



Crl.O.P.No.184 of 2023

WEB COM

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 appear before the respondent Police on every Wednesday at 10.30 a.m., for a period of four months.

[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 in accordance with law as if the conditions have been imposed and the petitioner released on bail



WEB COPY



Crl.O.P.No.184 of 2023

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;

06.01.2023

vkrr



WEB COPY



Crl.O.P.No.184 of 2023

T.V.THAMILSELVI, J.

vkf

Crl.O.P.No.184 of 2023

06.01.2023