



Crl.O.P.No.778 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 448, 294(b), 323 and 506(i) of IPC in Crime No.338 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a supplier in a hotel, while so, the petitioner and the other accused persons went to defacto complainant's hotel and ordered some food and as there was a delay in serving the food, there arose a wordy quarrel in between the petitioner and the defacto complainant and the petitioner along with other accused persons assaulted the defacto complainant, abused him by using filthy language and threatened him with dire consequences, due to which the defacto complainant got admitted in the hospital. Hence the complaint.

3. Learned counsel for the petitioner would submit that the



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petitioner is an innocent person and the petitioner herein is none other than the friend of the accused A2 and while there arose a wordy quarrel in between the defacto complainant and the accused A2, the petitioner herein tried to separate them and he has in no way assaulted the defacto complainant and a false complaint has been given against him in order to wreck vengeance. He would further submit that the accused A1, A3 & A4 were already enlarged on bail by the lower court. He would furthermore submit that, he is ready to abide by any stringent condition that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with other accused persons assaulted the defacto complainant and threatened him with dire consequences, due to which the victim sustained injuries. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the



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learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate Court No.2, Mettur**, 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



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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 as and when required for interrogation.

[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 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;

12.01.2023

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To:

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1. The Judicial Magistrate Court No.2,
Mettur.
2. The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.

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