



Crl.O.P.No.822of 2023

Crl.O.P.No.822of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 323, 506(i) of IPC in Cr.No.520 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the head constable and lodged a present complaint stating that this petitioner who is employ in the Southern Railway (Bed Roll Section) had snatched the ID card of the defacto complainant and thus, prevented him from discharging his official duty. Hence the complaint.

3.The learned counsel appearing for the petitioner would submits that there was a wordy quarrel between the defacto complainant and the petitioner on 21.12.2022 which is pending. He would further submit that petitioner is no way connected with the alleged offence. When this petitioner was on his duty. According to him the defacto complainant tried to enter into the restricted zone and at that time the defacto complainant demanded the ID Card from the petitioner. The wordy quarrel arose and this petitioner was



attacked. Since the defacto complainant is a police officer a false complaint has been lodged against this petitioner and hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the wordy quarrel arose between the petitioner and the defacto complainant and the petitioner sustained injuries. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the victim has discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to ordered to be released on bail in the event of arrest or on his appearance, before the **learned 16th Metropolitan Magistrate, GT Court, Chennai**, 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



Crl.O.P.No.822of 2023

for anticipatory bail shall stand dismissed and on further condition that:

WEB COPY

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[c] the petitioner shall appear before the respondent police on alternative days for a period of eight weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.



Crl.O.P.No.822of 2023

T.V.THAMILSELVI, J.

vsn

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

12.01.2023

vsn

Crl.O.P.No.822of 2023