

**CrI.O.P.No.3370 of 2023****T.V.THAMILSELVI, J.**

The petitioner, who apprehend arrest for the alleged offence under Section 294(b), 341, 324 and 506(ii) of IPC in Cr.No.35 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.02.2023 the petitioner and his friends had driven two wheeler and trying to dash the defacto complainant, when the same was questioned by him, the petitioner and his friends had assaulted him with iron rod and abused the defacto complainant in a filthy language. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that injured sustained only simple injuries and he has been discharged from the hospital. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI. side) submits that on



03.02.2023 the petitioner and his friends had driven two wheeler and trying to dash the defacto complainant, when the same was questioned by him, the petitioner and his friends had assaulted with iron rod and abused the defacto complainant with filthy language. He further submitted that the injured person has been discharged from the hospital. However, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Ambattur**, 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 and on further condition that:



[a] the petitioner is directed to deposit a sum of

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Rs.10,000/-(Rupees Ten Thousand Only) to the credit of Crime No.35 of 2023 without prejudice to his rights, within a period of two weeks from the date of receipt of copy of this order and produce the receipt before the concerned Magistrate. On such deposit, defacto complainant is permitted to withdraw the above said amount by filing an undertaking of affidavit before the concerned Magistrate.

(b)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;

(c)the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for a period of four weeks, 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;

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(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 anticipatory 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

14.02.2023

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