

Crl.O.P.No.3751 of 2023

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 294(b), 323 and 506(i) IPC in Cr.No.481 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is running a construction company, and had received a sum of Rs.7,00,000/- for construction from the defacto complainant. Thereafter, neither returned the money nor done any construction. Subsequently, the same was questioned by the defacto complainant, for which the petitioner abused in filthy language and attacked and caused simple injury. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) submits that the petitioner is running a construction company, and had received a sum of Rs.7,00,000/- for construction from the defacto complainant. Thereafter, neither returned the money nor done any construction. Subsequently, the same was questioned by the defacto complainant, for which, the petitioner abused in filthy language and attacked and caused simple injury. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the defacto complainant is having only simple injury, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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, Alandur, 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 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 Court concerned 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 every Tuesday at 10.30 a.m. for a period of six weeks and thereafter, 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 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;



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

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