



Crl.O.P.No.4013 of 2023

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**T.V.THAMILSELVI,J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 307 and 506(ii) of IPC in Crime No.16 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the *de-facto* complainant and the petitioners were residing in Housing Board. While so, on 15.01.2023, A2 alleged to have waylaid the *de-facto* complainant along with other accused including the petitioners herein and they have assaulted him with wooden log. Due to which, *de-facto* complainant sustained injury on his head. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they were falsely implicated in this case. He would also submit that it is a case and a case in counter. He would further submit that the co-accused A1, A2 and A4 were arrested



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and released on bail on 08.02.2023 by the Sessions Court at Chengalpattu in Crl.M.P.No.496 of 2023. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused have attacked the *de-facto* complainant, due to which, the *de-facto* complainant sustained injuries on his head. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Alandur**, on condition that each of the



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petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent Police as and when required for interrogation;**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

**27.02.2023**

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