



Crl.O.P.No.4381 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 323, 324 and 506(ii) of IPC r/w Section 3 of Tamil Nadu Open Places (Prevention of Disfigurement) Act in Crime No.884 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the accused who are the customers in the hotel run by the defacto complainant refused to pay after eating. When it was questioned by the defacto complainant, there was a wordy quarrel, during the quarrel, the accused have assaulted him with hands and damaged the articles in the hotel worth about Rs.20,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person he has been falsely implicated in this case. He would further submit that during the quarrel, some altercation has happened. He would further submit that without



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prejudice, the petitioner is ready and willing to pay a sum of Rs.5,000/- to the credit of Crime No.884 of 2020 and he has no objection in the amount being disbursed to the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused who are the customers in the hotel run by the defacto complainant refused to pay after eating. When it was questioned by the defacto complainant, there was a wordy quarrel, during the quarrel, the accused have assaulted him with hands and damaged the articles in the hotel worth about Rs.20,000/-. He would submit that the injured has been discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



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6.Considering the facts and circumstances of the case and also the submissions made by the learned counsel and the injured has been discharged from the hospital, 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 No.II, Krishnagiri, 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 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.884 of 2020 within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the learned Magistrate shall disburse the amount to the defacto complainant.

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

(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]*; and;



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(g)if the accused thereafter absconds, a fresh

FIR can be registered under Section 229-A IPC;

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