



Crl.O.P.No.4808 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 323 & 506(ii) of IPC in Crime No.54 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Idbarkhan is that he belongs to Kolkata (Calcutta) State and he is working as a cook for the last two years in Madrasi Hotel at Manali Express Road, Chennai. On 14.02.2023 at about 00.30 a.m., when he went near Othavadai Junction, Kalaignar Nagar, the petitioner along with other accused were asked water from him in a rude manner and abused the de facto complainant with filthy language and assaulted by gang and life threatened the de facto complainant with beer bottle. Hence the complaint.



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3. The learned Counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case since because the respondent Police suspects that the petitioner is also friend of the other accused. He would further submit that main accused/A1 to A5 in this case have been arrested and released on bail. He would further submit that there is no previous case as against the petitioner. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. He would also submit that without prejudice to his defence, the petitioner is prepared/ready and willing to deposit a sum of Rs.10,000/- to the credit of Crime Number. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to previous enmity, the petitioner along with other accused abused the de facto complainant with filthy language and attacked the de facto complainant by gang, resulting him in



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sustaining jaw fracture. Further, the petitioner along with other accused life threatened the de facto complainant with beer bottle. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions of the learned Counsel on either sides and also of the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall make a non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.54 of 2023. On such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his



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appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruvottiyur**, on condition that the petitioner shall execute a bond **for a sum of Rs.25,000/- (Rupees Twenty Five 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police every day at 10.30 a.m., until further orders.

[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



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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]**.

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

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