



Crl.O.P.No.4856 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, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.42 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant M.Sadam Hussian is that on 20.02.2023 at about 4.30 p.m., when the de facto complainant was working in Chicken & Mutton Shop, the petitioner along with the other accused kicked the de facto complaint's TVS two-wheeler. When it was questioned by the de facto complainant, the petitioner along with the other accused abused the de facto complainant with filthy languages, threatened him with dire consequences and attacked the de facto complainant with wooden log, resulting him sustaining grievous injuries. The petitioner along with other accused also life-threatened the de facto complainant with knife. Hence the complaint.



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3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case, since because the respondent Police suspects that the petitioner is also a member of the gang of the other accused. He would further submit that the injured has been discharged from the hospital. 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused abused the de facto complainant with filthy languages and intimidated him and assaulted the de facto complainant, resulting him in sustaining grievous injuries. He would further submit that the petitioner has got one previous case registered for the offence punishable under Section 307 of



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IPC in Crime No.305 of 2020. 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. In reply, the learned Counsel for the petitioner would submit that for the last two year, the petitioner has no case against him, after the case was registered under Section 307 of IPC during the year 2020 in Crime No.305 of 2020.

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

7. Considering the above facts and circumstances of the case and the submissions made on either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 II**



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Metropolitan Magistrate, Egmore, 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., and 5.30 p.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 action against the petitioner in accordance with law as if the



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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.

06.03.2023

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