



Crl.O.P.No.5107 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 341, 294(b), 307 and 506(ii) IPC, in Crime No.41 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.01.2023 at about 9.00 p.m., the defacto complainant's brother named Karthick, who is a lorry driver waylaid a girl named Nisha, who is a daughter of the first petitioner, demanded her to give her phone number. Due to this incident, the petitioner along with other accused persons waylaid the defacto complainant and his brother assaulted him by using knife, in which he sustained injury and also threatened him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as



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alleged by the prosecution. He would further submit that even as per the prosecution, the allegation against the arrested accused A1 & A3 in this case have already been enlarged on bail by the learned Principal District Session Judge, Chengalpattu in Crl.MP.No.397 of 2023 dated 17.02.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the defacto complainant's brother asked phone number of the first petitioner's daughter. Due to that, the petitioner along with other accused waylaid the defacto complainant and others, abused them with filthy language, assaulted the defacto complainant's brother with knife causing injuries and also threatened with dire consequences. He would also submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.



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6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also of the fact that 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, Chengalpattu, 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 their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police daily 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 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;

09.03.2023

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