



Crl.O.P.No.5113 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC r/w. section 3 of TNPP Act in Crime No.31 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Nallathambi is that the petitioners had come to a hotel and taken food and refused to pay the full amount to the defacto complainant and when it was questioned by the defacto complainant, they have abused and assaulted him and caused damages to the items in the hotel. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the defacto complainant was served stale food to the petitioners and when it was



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questioned by the petitioners, the defacto complainant assaulted the petitioners and he has given a false complaint, as if the petitioners have assaulted him. He would further submit that the petitioners have no previous case against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioners had come to defacto complainant's hotel and taken food and refused to pay the full amount and when it was questioned, they have abused and assaulted him. He would further submit that the injured has been treated as an out patient and there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been treated as an out patient and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Principal Sessions Court, Salem**, on condition that each of the petitioners shall execute a separate 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 6.30 p.m., for a period of two weeks and thereafter every Saturday at 6.30 p.m., until further orders.

[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.

[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.

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