



Crl.O.P.No.5236 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), 323, 397 and 506(ii) of IPC, in Crime No. 515 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 28.06.2022, while he went to buy some fish food in a shop near Pallavaram, one auto crossed him, at that time, the petitioner who was in the auto waylaid the defacto complainant, abused him with filthy language, beaten him and robbed a sum of Rs.7,000/- from him at the knife point and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submits that there was an enmity between the petitioner and the defacto complainant on account of the defacto complainant relationship



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with the petitioner's wife and thereby there was a quarrel and foisted a false complaint, as if the petitioner has assaulted him and robbed a sum of Rs.7,000/- at knife point. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is a habitual offender against whom there are five previous cases pending against him. He further submits that it is a case where the petitioner suspects the defacto complainant was having illicit intimacy with his wife and waylaid the defacto complainant and assaulted him and robbed about Rs.7,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that the previous cases are relating to the year 2016 and for the past six years, this petitioner has no case pending against him and he is also a member of national political party.



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6. Considering the above facts and circumstances of the case and the submissions made on either sides, this Court is inclined to grant anticipatory bail 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 Court No.II, Tambaram**, on condition that the petitioner shall execute 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 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 report before the respondent police twice daily morning at 10.30 a.m., and evening at



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6.30 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 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.

08.03.2023

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