



Crl.O.P.No.5953 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 and 353 IPC, in Crime No.313 of 2022 seeks anticipatory bail.

2. The case of the prosecution, as per the complaint lodged by the de facto complainant that gave rise to the criminal prosecution against the petitioners, is as under:-

i) The de facto complainant is Dharani Bail. He is employed as Conductor with Employee Code C-56748 in Metropolitan Transport Corporation, Chrompet Depot.

ii) On 16.5.2022, he was on duty in Bus Route No.52B with Regn. No.TN-01 N 7718, which was driven by one Poongavanam from Broadway to Hasthinapuram and when the Bus reached Nandanam Bus Stop, a few college students boarded the bus and after some time, they climbed on the top of the bus and created commotion and hence, they were called



inside the bus by stopping the same.

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iii) Once again, at about 2.00 pm, when the bus was nearing Chinnamalai Signal, the same persons had created annoyance. When the Drivers of Saidapet Depot questioned them, those students picked up quarrel with them and using filthy language, attacked them, due to which, two employees had sustained injuries and thereupon, they took treatment at Government Hospital, Saidapet.

iv) The complaint has been lodged for initiating action against the students of Government Arts College Nandanam, who had attacked the employees of Saidapet Depot.

v) The complaint has been registered in Crime No.313 of 2022 for the offences punishable under Sections 294(b), 323 and 353 IPC.

vi) The petitioners, apprehending arrest in respect of the above occurrence, have come up with the present Criminal Original Petition.



3. Learned counsel Mr.R.Parthiban appearing for the petitioners would submit that the petitioners are innocent students from downtrodden family. He would further submit that they have not indulged into any commotion except being a part of the group of students boarded in the bus and they have been wrongly identified as agitants and hence, crave indulgence of the court in granting anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioners have terrorized the common public by their activity and there is every likelihood of the petitioners becoming a wrong model to other students if they are granted anticipatory bail and hence, he would object for grant of anticipatory bail to the petitioners.

5. Considering the nature of offence alleged and the fact that the persons accused are students, the court had directed for production of statement of marks obtained by the petitioners and also for appearance of their parents.



6. On such production and perusal of the same and having enquired the parents of the petitioners, this court finds that the petitioners hail from very poor families and all of them are single parent children. The mothers of the petitioners, who were present in court have pleaded that they are already struggling for their livelihood and they have sent the petitioners for study with the fond hope that they would come up in life and take care of them in their old age. It is also seen that some of them are working as house maids for a meagre income. The parents of the petitioners expressed their grief over the activity of their children, however, crave indulgence of this court considering their future career and they had assured for the good conduct of the petitioners.

7. Further, the petitioners also undertook not to indulge into any such misbehaviour in future and to concentrate on their studies alone.

8. Taking into consideration the totality of the circumstances, this court is inclined to grant anticipatory bail to



the petitioners, however, to explore whether the petitioners would keep up their assurance in respect of their conduct and make them to understand the pain and suffering of their parents, hereby imposes a condition precedent among other conditions that the petitioners shall report before the Superior, Missionaries of Charity Brothers, Karunai Illam, 74-B, L.D.G. Road, Little Mount, Saidapet, Chennai 600 015 and serve the inmates there from 3.30 pm to 6.00 pm on all working days and from 10.00 am to 12.30 pm on all Saturdays for a period of four weeks, obtain a Certificate of their service in the Karunai Illam from the Superior and produce the same before this court with a write-up of their experience in the Karunai Illam.

9. 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 is made ready, before **the learned IX Metropolitan Magistrate, Saidapet, Chennai** on condition that the



petitioners shall execute a bond for a sum of **Rs.10,000/-**

(Rupees Ten Thousand only) with two sureties 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 shall affix their photograph 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 petitioners shall report before the respondent Police on 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 are 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, abscond, a fresh FIR can be registered under Section 229A IPC;

The Criminal Original Petition is ordered accordingly.

10.4.2023

ssk.

Note to office:-

**Post the matter on 14.06.2023
for reporting compliance.**



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