



Crl.O.P.No.6163 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 alleged offences punishable under Sections 294(b), 323, 506(ii) of IPC in Crime No.51 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Suresh is that the defacto complainant was running a chilli chicken stall in the name and style of Jeevitha Chicken Stall for the past 12 years. While so, on 29.01.2023, the petitioner bought the chilli chicken for Rs.50/- and after consuming the same, he refused to pay the money, when the same was questioned by the defacto complainant, the petitioner assaulted him and also threatened him, thereby the defacto complainant sustained injury. It is further alleged that one Viji Gurnathan intervened between them and the local people communicated the issue to the respondent police. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner already tended the amount to the defacto complainant, despite the same, the defacto complainant again sought for the amount for the said chilli chicken bought by the petitioner and has not committed any offence as alleged by the prosecution. Thereby he seeks for anticipatory bail to the petitioner .

4. The learned Government Advocate (Criminal Side) would submit that on the date of occurrence, the petitioner bought the chilli chicken for Rs.50 and after consume the same, he refused to return the money to the defacto complainant and when the same was questioned, the petitioner assaulted him and also threatened him with dire consequences. He further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also 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.V, Salem, 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:



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[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 everyday 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;

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