



Crl.O.P.No.6170 of 2023

Crl.O.P.No.6170 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(ii) of IPC in Crime No.52 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Paramachivam, Police Officer is that, when he received complaint from the control room went to the alleged spot, and he came to know the issue between the chicken stall owner and the consumer, wherein, the consumer consumed the chilli chicken and refused to pay the amount for the same, thereby, the first petitioner herein attacked the defacto complainant. It is further alleged that the defacto complainant informed the victim to complaint before the respondent police and informed the first petitioner to attend the enquiry. Pursuant to the same, the petitioners herein restrained the duty of the defacto complainant and attacked him and abused him with filthy language and also threatened him. Hence, the complaint.



Crl.O.P.No.6170 of 2023

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners 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 petitioners and they have not committed any offence as alleged by the prosecution. Thereby he seeks for anticipatory bail to the petitioners .

4. The learned Government Advocate (Criminal Side) would submit that on the date of occurrence, the petitioners bought the chilli chicken for Rs.50 and after consume the same, the first petitioner refused to return the money to the defacto complainant and upon enquiry, the defacto complainant informed the victim to complaint before the respondent police and the first petitioner to attend the enquiry, pursuant to the same, the petitioners 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 petitioners.



Crl.O.P.No.6170 of 2023

WEB COPY

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 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 Judicial Magistrate No.V, Salem, on condition that 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:

Page 3 of 5



Crl.O.P.No.6170 of 2023

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.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;

20.03.2023

drl

Page 4 of 5



WEB COPY



Crl.O.P.No.6170 of 2023

A.D.JAGADISH CHANDIRA. J.

drl

Crl.O.P.No.6170 of 2023

20.03.2023