



CrI.O.P.No.6386 of 2023

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A.D. JAGADISH CHANDIRA, J.,

The petitioners, who apprehends arrest for the alleged offences under Sections 143, 148, 294(b), 324, 506(ii) IPC in Crime No.90 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners in an inebriated condition entered into the house of the defacto complainant with deadly weapons and assaulted the defacto complainant and his family members. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Earlier the defacto complainant had misbehaved with the daughter of the first petitioner and there was a quarrel between them, thereby a false complaint has been given. It is the case and case in counter. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The Government Advocate (Crl.side) would submit that with regard to family dispute the petitioners have formed into unlawful assembly and criminally intimidated the defacto complainant. The first petitioner has two previous cases. The second petitioner has one previous case and the third petitioner has four previous case. He would further submit that the investigation is pending. Hence, he oppose for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each 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 obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the Inspector of Police, H8 Thiruvottriyur Police Station, Chennai daily at 6.30pm 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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

23.03.2023

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