



Crl.O.P.No.6742 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 Section 160 IPC @ Sections 147, 148, 506(ii) of IPC and 27(1), 25(1B)(a) of Arms Act, 1959 in Crime No.74 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Sugumaran, who is the Sub Inspector of Police, R.S.Puram Police Station is that he received a secret information that there was a dispute between the parties, with regard to selling of the closed central theatre, he went to the scene of occurrence and during such time, he had found that the rival parties fighting with each other and thereby, he had registered a case in Crime No.74 of 2023 for the offence under Section 160 of IPC. Later, it was found that some of the notorious elements in that area were found inside the theatre with deadly weapons. Hence, the case was altered to one under Sections 147, 148, 506(ii) of IPC and 27(1), 25(1B)(a) of Arms Act, 1959. Hence the case.



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3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given by the rival groups. He would submit that the petitioners have entered into a lease agreement with one Sudha, who is the owner of the property and the said Sudha had prevented the petitioners from entering into the theatre with the help of her henchmen and she has given a false complaint, as if, the petitioners have created a ruckus along with other persons. The respondent Police have arrested some persons and shown them as co-accused in this case, who have no connection with the petitioners and they have also been granted bail and as far as this petitioners are concerned, there is no previous case against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that there was a dispute between the petitioners' gang and the defacto complainant's gang, with regard to the lease of the theatre, which has been closed for several months. The



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petitioners, who claims to have given Rs.2 lakhs to one Sudha, had engaged notorious elements and they have entered into the theatre with deadly weapons and created a problem. He would further submit that some of the notorious persons were arrested and they have been released on bail. He would further submit that if the bail is granted to the petitioners, there is every possibility of the petitioners, once again creating a problem along with rowdy elements. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.In reply, the learned counsel for the petitioners would submit that the petitioners are business man and they are ready to abide by any stringent conditions that may be imposed by this Court.

6.Heard the learned counsel for the petitioners as well as the learned Government Advocate and perused the entire materials available on record.



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7.Taking into consideration the facts and submissions made by the learned Counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

8.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.I, Coimbatore on condition that the petitioners shall execute a separate 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 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.



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[b] the petitioners shall report before the respondent police daily 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;

**29.03.2023**

vkr

**A.D.JAGADISH CHANDIRA, J.**



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