



Crl.O.P.No.7017 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 341, 294(b), 323, 336, 392, 397, 427 and 506(ii) of IPC in Crime No.62 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Nagappan is that the accused persons have gone to the shop of the defacto-complainant and consumed cool drinks and they refused to pay the amount. When the defacto complainant had questioned the same, the accused have abused him with filthy language, assaulted him and robbed sum of Rs.1,500/-. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would also submit that the petitioners are



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ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit the accused persons have consumed cool drinks in the defacto complainant's shop and they refused to pay the amount and when the defacto complainant questioned them, they have abused the defacto complainant with filthy language, assaulted him and snatched a sum of Rs.1,500/- from him. He would submit that no previous case is pending as against the second petitioner. He would further submit that that three previous cases are pending as against the first petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the FIR.



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6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, this Court is inclined to grant anticipatory bail to the second petitioner alone with certain conditions. As far as the first petitioner is concerned, petition for anticipatory bail is dismissed.

7. Accordingly, the second 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.II, Alandur**, on condition that the second petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 :

[a] the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety



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bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the second petitioner shall report before the respondent police everyday at 6.30 a.m., until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10.04.2023

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