



Crl.O.P.No.7372 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 offence punishable under Sections 294(b), 323, 384, 506(i) of IPC, in Crime No.136 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant/John is that the petitioner along with other accused entered into the bar and picked up a quarrel with the defacto complainant, who is working as a supplier in the bar and demanded liquor from him. When he refused to give the liquor, the petitioner along with other accused have abused him and the sales man in the bar and assaulted them and also snatched a sum of Rs.2000/- from the cash box. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent persons and the defacto complainant has supplied spurious liquor in the bar, when it was questioned by the petitioner, a false complaint has been given, as if, the petitioner has



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abused and assaulted and robbed an amount of Rs.3,000/-. He would further submit that A1 has been arrested and enlarged on bail and from him, an amount of Rs.1,000/- has been recovered. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused entered into the bar and picked up a quarrel with the defacto complainant, during the quarrel, the petitioner along with other accused have abused him and assaulted him and also snatched a sum of Rs.2000/- from the cash box He would further submit that an amount of Rs.1,000/- has been recovered from A1. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that an amount of Rs.1,000/- has been recovered from A1, this Court is inclined



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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 District Munsif cum Judicial Magistrate, Madhavaram**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

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