



Crl.O.P.Nos.7313 & 6768 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 147, 148, 294(b), 323, 324, 506(ii) & 379 of IPC, in Crime No.45 of 2023, seek anticipatory bail.

2. The prosecution case is that on 03.03.2023 at about 4.00 p.m., at Attaiyampatti, Stalin Nagar, in front of one Ammakannu's house, due to previous enmity with the defacto complainant, the petitioners along with another accused have assembled unlawfully and committed rioting armed with deadly weapons and abused the defacto complainant in filthy language and the 2nd petitioner pulled his shirt and slapped in his right cheek and the 1st petitioner assaulted him with iron rod in his left side neck and the 4th petitioner assaulted him with stick in his left wrist and the 3rd petitioner assaulted him with hands in the head and the 5th accused fisted him near his left eye and caused injuries to them and threatened him with dire consequences and also taken away the three sovereigns of gold chain, belonging to the defacto complainant. Hence, the case.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that due to previous enmity, a false case has been given against these petitioners. He would submit that the defacto complainant is also a notorious person against whom ten previous cases are pending. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners have demanded money from the defacto complainant and hence, they have assaulted him and also snatched three sovereigns of gold chain. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Mr.Sheik Mohammad, learned counsel for the Intervenor would vehemently opposed stating that the accused persons have snatched three sovereigns gold chain from the defacto complainant and the same is yet to be recovered.



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6. In reply, Mr.C.S.Saravanan, learned counsel appearing for the petitioners 1 and 2 would submit that the defacto complainant has also a notorious person against whom ten previous cases pending. He would submit that while granting bail to A5, the learned trial Judge noted that no chain was snatched. It would make it clear that exaggerated complaint has been given against these petitioners and the petitioners are prepared to abide by any stringent conditions that may be imposed on them by this Court.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned Judicial Magistrate No.IV, Salem**, on condition that the petitioners shall execute a separate 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



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stand dismissed and on further condition that:

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[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 stay at Chennai and report before the North Beach Police Station everyday at 10.30 a.m., for a period of four weeks and thereafter report before the respondent police every Monday and Saturday 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



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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.

7. With the above directions, this Criminal Original Petitions are ordered.

11.04.2023

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