



Crl.O.P.No.7379 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, 341, 294(b), 323 and 506(ii) of IPC and Section 25(1A) of the Arms Act, 1959, in Crime No106 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant N.Jai Kumar is that on 08.03.2023 at about 11.00 p.m., the petitioners along with other accused picked up a wordy quarrel with the de-facto complainant and his friends, abused them with filthy language and attacked them with bricks and also threatened them with patta knives with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that on 08.03.2023 at about 11.00 p.m., the petitioners along with other accused had entered into a wordy quarrel with the de-facto complainant and his friends, abused them with filthy language and attacked them with bricks and also threatened them with patta knives with dire consequences. He further submitted that the first petitioner/A2 has got five previous cases and the second petitioner/A4 has got one previous case. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that he is not pressing the petition in respect of the first petitioner/A2 and he prays for grant of anticipatory bail to the second petitioner/A4 as there is no specific allegation made against him. He also submitted that the second petitioner/A4 is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him.



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

7. Taking into consideration the antecedents of the first petitioner/A2, this Court is not inclined to grant anticipatory bail to the first petitioner/A2. **Accordingly, this petition is dismissed insofar as the first petitioner/A2 is concerned.**

8. However, taking into consideration the facts and circumstances of the case and also the submission of both sides, **this Court is inclined to grant anticipatory bail to the second petitioner/A4 with certain conditions.**

9. Accordingly, the second petitioner/A4 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 XVIII Metropolitan Magistrate, Saidapet, Chennai, on**



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condition that **the second petitioner/A4 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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/A4 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 second petitioner/A4 shall report before the respondent police every day at 9.30 a.m., and 6.30 p.m., until further orders.

[c] the second petitioner/A4 shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner/A4 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/A4 in accordance with law as if the conditions have been imposed and the second petitioner/A4 released on bail by the learned Magistrate/Trial



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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.

10. Accordingly, this Criminal Original Petition is dismissed
insofar as the first petitioner/A2 is concerned and ordered insofar as the
second petitioner/A4 is concerned.

11.04.2023

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