



Crl.O.P.No.8113 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), 324, and 506(ii) of IPC, in Crime No.158 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sekar is that he is a money lender and also doing real estate business. The petitioner/A1 was earlier running a provisional shop in the ground floor of the defacto complainant's house and thereafter, in the year 2016, the petitioner vacated the shop and subsequently, the defacto complainant let out the shop to some other person. The father-in-law of the petitioner had borrowed a sum of Rs.2,75,000/- from the defacto complainant in year 2016 and since, he had not repay the amount, 25 days prior to the date of occurrence, the defacto complainant had sent notice to the petitioner's father-in-law. While so, on 14.03.2023 at about 09.45 p.m., when the defacto complainant was going for a walk, the petitioner and his son waylaid him, abused in filthy language, pushed him down and the son of the petitioner, attacked the defacto complainant



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with Sickle due to which, the defacto complainant sustained injuries.

Hence, the csae.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that there is a case in counter in Crime No.159 of 2023 against the defacto complainant and his son. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

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

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also



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of the fact that there is a case in counter and the injured has been discharged from the hospital, this Court is inclined 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 Judicial Magistrate No.II, Salem** , on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall stay at Chennai and report before the Flower Bazaar Police Station, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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**Copy to;
The Inspector of Police/Station House Officer
Flower Bazaar Police Station, Chennai.**



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