



Crl.O.P.Nos.8243 and 8244 of 2023

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.59 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Selvi is that she is doing business of selling utensils and fancy items by using Push Cart (Thallu Vandi) and that the 1st petitioner in Crl.O.P.No.8244 of 2023 is also doing same business near the business of the defacto complainant and the 3rd petitioner in Crl.O.P.No.8244 of 2023 who is the son of the 1st petitioner was doing water can supply business. On 25.03.2023 at about 8.00 p.m, there was a wordy quarrel between the 1st and 3rd petitioners in Crl.O.P.No.8244 of 2023 and the defacto complainant. At that time, the relatives of both the petitioners and the defacto complainant came there and when they were talking, the petitioners along with other accused abused and assaulted the defacto complainant and her relatives with hands and wooden log. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case. He would further submit that it is a case and a case in counter in Crime No.58 of 2023 and the petitioners are ready to abide by any stringent condition that may be imposed by this Court. He would further submit that the accused in the



counter case have been granted anticipatory bail by this Court in Crl.O.P.No.7865 of 2023 by order dated 12.04.2023. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent Police would submit that due to previous enmity between the 1st petitioner in Crl.O.P.No.8244 of 2023 and the defacto complainant, who are adjacent shop owners, the petitioners and the defacto complainant and others have assaulted each other with wooden log. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel on either side and perused the entire materials available on record.

6.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Metropolitan Magistrate No.XIV, Egmore, Chennai**, on condition that the petitioners shall execute a separate bond for a sum of



Rs.10,000/- (Rupees Ten 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 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 report before the respondent police every day at 6.30 p.m., for a period of two weeks and thereafter, on every Saturday at 06.30 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 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.

19.04.2023

ksa-2



WEB COPY

Crl.O.P.Nos.8243 and 8244 of 2023



A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.Nos.8243 and 8244 of 2023

19.04.2023