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Crl.O.P.No.8235 of 2023

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S.SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) I.P.C., in Crime No.123 of 2023, seek anticipatory bail.

2. It is the case of the prosecution that the defacto complainant is a practising advocate. A1-Masthan, was conducting a monthly chit and the defacto complainant's uncle's son one Kumaravel was one of the members of the chit conducted by A1. Since the said Kumaravel could not continue to pay his chit amount, the defacto complainant being the advocate intervened and settled the issue got back the money contributed to the chit, due to which, A1 developed vengeance against the defacto complainant. Thereafter, when the defacto complainant happened to cross A1 in his two wheeler, A1 wantonly hit the defacto complainant and developed a wordy quarrel, and asked A2 to come to the spot and they have jointly abused and attacked the defacto complainant in his stomach with hands and caused injury. Hence the complaint.



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3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He added that they have also filed a complaint against the defacto complainant, which has been registered in Crime No.124 of 2023. Accordingly, prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners have attacked the defacto complainant, due to which, he sustained injuries. He would further submit that the injured has been discharged from the hospital. He added that it is a case and case in counter and the counter case has been registered in Crime No.124 of 2023.

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

6. Having regard to the allegations made against the petitioners in the F.I.R and also considering the fact that it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners



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subject to the following 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 Judicial Magistrate No.I, Walajapet**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) each** 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.**



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[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.

04.05.2023

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