



Crl.O.P.No.7968 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341,294(b),364(A), 380 of I.P.C in Crime No.85 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had borrowed a sum of Rs.8,80,000/- from the first petitioner and he has not paid the same, due to which the petitioners attacked the defacto complainant and caused injuries to him. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He further submits that the defacto complainant borrowed money from the first petitioner and failed to return the same and when the same was questioned, the defacto complainant attacked the petitioners. Hence he seeks for anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the defacto complainant had borrowed a sum of Rs.8,80,000/- from the first petitioner and he has not paid the same. He would further submit that the injured discharged from the hospital. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts of the case and the submissions of the learned Counsel for the parties and the fact that the injured discharged from the hospital, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.II, Namakkal** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the

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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 stay at Chennai and report before the Flower Bazaar Police Station daily at 10.30 a.m., for 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;

24.04.2023

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