



Crl.O.P.No.8083 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 offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.269 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant / Karthick, who is the in-charge of the liquor shop is that the petitioner along with other accused, who are the customers in the liquor shop run by the defacto complainant refused to pay after eating. When it was questioned by the defacto complainant, there was a wordy quarrel, during the quarrel, the petitioner along with other accused have assaulted him with beer bottle. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioner is an innocent person and the incident has happened, during the quarrel. He would further submit that the petitioner has nothing to do with the alleged offence and he is ready to abide by any stringent



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condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner along with other accused, who are the customers in the liquor shop run by the defacto complainant refused to pay after eating. When it was questioned by the defacto complainant, there was a wordy quarrel, during the quarrel, the petitioner along with other accused have assaulted him with beer bottle. He would further submit that there is no previous case pending against him and the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.



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6.Taking into consideration 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, 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, Ambattur** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioner 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 petitioner shall report before the respondent police everyday at 7.30 p.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.

18.04.2023

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