



Crl.O.P.No.8159 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.117 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sakthivel is that from the year 2002 he was doing business in the shop of the petitioner in Koyambedu Vegetable Market. In the year 2019, CMDA sealed the said premises and when the defacto complainant demanded the petitioner to refund his advance amount of Rs.2 lakhs, the petitioner asked the defacto complainant to do his business once the shop is opened. Hence, the defacto complainant did not compel him. One week before the occurrence, the defacto complainant came to know that the shop was opened and when the defacto complainant approached and asked the petitioner for the shop, he refused to give the same and he also refused to return the advance amount paid by the defacto complainant. Subsequently, on 09.03.2023, the petitioner had kept a board as “Shop for Rent”. Hence, on 10.03.2023 at about 5.00 a.m., the defacto



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complainant again approached the petitioner and asked for the shop and since, the petitioner refused the same, he demanded him to return his advance amount for which, the petitioner abused him with filthy language and also attacked with knife due to which, he sustained cut injury in his right hand thumb. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Since the petitioner refused to let out his shop to the defacto complainant, a false case has been foisted against him. He would further submit that the petitioner is aged about 77 years and hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the injured was treated as out patient. However, he opposed to grant anticipatory bail to the petitioner.



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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, 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 II Metropolitan Magistrate, Egmore**, 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:



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[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 petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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