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Crl.O.P.No.9248 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 147, 294(b0, 353 and 506(i) of IPC in Crime No.37 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Sub Inspector of Police Venkatesan along with other police personnel went on rounds to Power Kuppam. At that time, the petitioner along with other accused persons were found to be drinking alcohol in a public place, therefore, the Sub Inspector requested them to disperse, for which, they abused him in filthy language and they also tried to attack the Sub Inspector. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there are totally 6 accused involved in this case and the petitioner herein is arrayed as A4. He would also submit



Crl.O.P.No.9248 of 2023

WEB COPY

that he moved an anticipatory bail application before the learned Principal District and Sessions Judge, at Chennai in Crl.M.P.No.3064 of 2023 and the same was granted on 10.02.2023 with certain conditions. However, the the petitioner was unable to furnish the surety within the stipulated time, therefore he filed a Petition for extension of time before the Principal District and Sessions Judge in Crl.M.P.No.5729 of 2023 and the same was dismissed on 15.03.2023. Hence, the petitioner is before this Court seeking for grant of anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that on the date of occurrence, the petitioner along with other accused persons were found to be drinking alcohol in a public place, therefore, the Sub Inspector requested them to dispose of those alcohol, for which, they abused him in filthy language and they also tried to attack the Sub Inspector. He further submitted that the petitioner is having one previous case. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



Crl.O.P.No.9248 of 2023

WEB COPY

5. Heard the learned counsel appearing on either side. Taking into consideration the facts and circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 XVI, Metropolitan Magistrate, George Town, Chennai, 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.



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Crl.O.P.No.9248 of 2023

[b] the petitioner shall report before the respondent police daily at 06.30 p.m., for a period of two weeks and thereafter on every Saturday at 06.30 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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.04.2023

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Crl.O.P.No.9248 of 2023

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Crl.O.P.No.9248 of 2023

28.04.2023