



Crl.O.P.No.9978 of 2023

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A.D.JAGADISH CHANDIRA, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 342, 294(b), 323, 324, 506(ii) of IPC in Crime No.84 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant one Kishore and his friend Dinesh are working as delivery boys in a company called Jarikart. While so, on 03.04.2023, they were looking for an address near the house of the petitioners herein, at that time, two persons from the first floor of the petitioners' house had called them and when the defacto complainant and his friend entered into their house, the petitioners herein along with two persons accused them of spying on them and assaulted them and also threatened to kill them. When the defacto complainant raised alarm, the accused ran away from the scene of occurrence. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that defacto complainant, who was the



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aggressor, had trespassed into the house of the petitioners with a malafide intention and the petitioners are no way connected with the alleged offence.

Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) appearing for the respondent police vehemently opposed for grant of bail to the first petitioner stating that 12 previous cases are pending against him and three previous cases are pending against the second petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and that the first petitioner has got 12 previous cases against him, this Court is not inclined to grant anticipatory bail to the first petitioner. As far as the second petitioner is concerned, this Court is inclined to grant anticipatory bail with certain conditions.



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7. Accordingly, the second 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 Metropolitan Magistrate, No.II, Egmore, Chennai**, on condition that the second 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 second 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 second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

8. Accordingly, this Criminal Original Petition is dismissed for the first petitioner and allowed for the second petitioner.

13.06.2023

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