



Crl.O.P.No.10115 of 2023

Crl.O.P.No.10115 of 2023

S.SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 307, 324 and 506(ii) IPC, in Crime No.8 of 2023, seek anticipatory bail.

2. The case of the prosecution is that there was some dispute between the parties over the security work of a construction spot. The petitioners along with their father assaulted the de facto complainant with hands, legs and thrown a wash basin on his head. Hence the case.

3. The learned counsel for the petitioners submitted that the petitioners already filed an anticipatory bail application before the Court of Sessions, Chennai, in Crl.M.P.No.6436 of 2023 and the same was allowed by the Court below, on condition that the petitioners shall appear before the concerned Court and execute the sureties within 15 days from the date of order. He further submitted that due to communication failure, the petitioners could not execute the sureties in time. Hence, the



Crl.O.P.No.10115 of 2023

anticipatory bail granted by the Court below got lapsed. Therefore, they approached this Court and seek anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners along with their father assaulted the de facto complainant with hands, legs and thrown the wash basin on his head, due to dispute between them over the security work of the construction spot. He further submitted that the injured has been discharged from the hospital. However, he 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 and circumstances of the case and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.10115 of 2023

WEB COPY

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Metropolitan Magistrate No.VII, George Town, Chennai -1** on condition that the petitioners shall execute separate 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police once in a week at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

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

[d] the petitioners shall not abscond either



WEB COPY



Crl.O.P.No.10115 of 2023

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 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.

nti/Dna

04.05.2023



WEB COPY



Crl.O.P.No.10115 of 2023

S.SOUNTHAR, J.,

nti/Dna

Crl.O.P.No.10115 of 2023

04.05.2023