



Crl.OP.No.10169 of 2023

Crl.O.P.No.10169 of 2023

K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC, in Crime No.272 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the Sri Sairam Medical shop at Tambaram Mepz. On 22.04.2023, around 12.30 pm, the Accused Kumar came to the said medical shop to exchange the neurology-related pill, which he purchased from the shop last day with another neurology-related pill. Both the times when the accused came to the shop, the worker of the shop namely Dinesh Kumar attended him in the shop. When Dinesh Kumar refused to exchange the neurology-related pill already bought by the accused last day with another neurology-related pill, then the petitioner physically harassed the worker Dinesh Kumar and also abused him using filthy language. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed the alleged offence. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) would submit that the accused attacked the worker of the shop and used filthy language. Hence he opposed for granting anticipatory bail to the 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.

6. Considering the above facts and circumstances of the case, 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 Metropolitan Magistrate-I, Tambaram**, 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:



WEB COPY



CrI.OP.No.10169 of 2023

[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 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]*;

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

17.05.2023

(Sha/Vrc)



WEB COPY



CrI.OP.No.10169 of 2023

K.KUMARESH BABU, J.

(Sha/Vrc)

CrI.O.P.No.10169 of 2023

17.05.2023