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Crl.O.P.No.10289 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 323, 324 and 506(ii) IPC, in Crime No.152 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused waylaid the defacto complainant and assaulted him with hands and caused injuries. Hence, the case.

3. The learned counsel for the petitioner submitted that on earlier occasion, the petitioner has filed the anticipatory bail petition before the Sessions Court, Chennai, in Crl.M.P.No.17333 of 2022 on 16.09.2022 and the same was allowed by the Court below on certain conditions. He further submitted that due to illness, the petitioner was unable to surrender and furnish the surety. Hence, the anticipatory bail granted by



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the Court below got lapsed. Therefore, he approached this Court and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Having regard to the facts of the case and the nature of the allegation made against the petitioner and also of the fact that the injured has been discharged from the hospital, 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**



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XV Metropolitan Magistrate, George Town, Chennai, on condition

that the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten 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:

[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.

[b] the petitioner 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 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



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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.

05.05.2023

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