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Crl.O.P.No.10988 of 2023

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K.GOVINDARAJAN THILAKAVADI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of I.P.C. in Crime No.95 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there was a quarrel arose between the petitioners and the defacto complainant with regard to removal of drum stick tree which is situated in front of the house of defacto complainant's brother. At that time, the petitioners had abused the defacto complainant with filthy languages and attacked her with hands and stick, thereby causing injury to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely



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implicated in this case. He would further submit that there was a counter case in Crime No.96 of 2023. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that due to a quarrel arose between the petitioners and the defacto complainant with regard to removal of drum stick tree, the petitioners had abused the defacto complainant with filthy languages and attacked her with hands and stick and caused injuries. He would further submit that there was a counter case in Crime No.96 of 2023 on the same occurrence. He would also submit that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also the fact that the injured has been discharged from the hospital, this Court is



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inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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.XVIII, Saidapet**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police



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everyday 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

11.05.2023

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