



Crl.O.P.No.11535 of 2023

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A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police for the offences punishable under Sections 341, 294(b), 307, 336, 506(2) IPC in Crime No.564 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Vijay is that on 15.12.2022 at about 10.00 pm, due to previous enmity, the petitioner along with other accused persons have waylaid him and assaulted him with knife and intimidated him. When the defacto complainant has raised an alarm, the public in the area come to save him. At the time, the accused persons have gone away from the scene of occurrence. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is noway connected with the alleged offence. Since the petitioner has got some previous cases against him, the respondent police foisted a false case against the petitioner for



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statistical purpose. Further, he would submit that the petitioner is aged about 21 years old. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner is arrayed as fourth accused in this case. On account of previous enmity, the petitioner along with other accused had assaulted the defacto complainant with knife and resulting in him sustaining injuries. The petitioner has got eight previous cases against him. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, learned counsel for the petitioner would submit that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him and he is ready to stay elsewhere.

6. Heard both sides and perused the materials available on



7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 XXIII Metropolitan Magistrate, Saidapet, Chennai**, 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 :

[a] the petitioner and the sureties shall affix their



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photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Cuddalore (O.T) and report before the Old Town Police Station, Cuddalore every day at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdiction of Chennai City, until further orders.

[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] 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, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***;



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and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9. Accordingly, the Criminal Original Petition is ordered.

06.06.2023

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A.D.JAGADISH CHANDIRA, J.



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