



Crl.O.P.No.11928 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 294(b), 323 and 506(i) of I.P.C. in Crime No.169 of 2023, on the file of respondent police, seek anticipatory bail.

2. The case of prosecution is that on 17.05.2023, when the defacto complainant along with his friend had their lunch in the hotel run by the 1st petitioner, the food is not upto the quality and rice also not boiled well, which was complained by them to the 1st petitioner, however, he along with other accused abused them as drunkard, due to which, there was a wordy quarrel between them, thereby the petitioners said to have abused them in filthy language, assaulted them and also threatened them with dire consequences. Hence, the complaint was registered against the petitioners.

3. The learned counsel appearing for petitioners submitted that in fact, the defacto complainant and his friend came to the hotel in a drunken



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mode and caused nuisance to the customers and when the same was questioned by the petitioners, they have lodged the present false complaint against them. So, the entire allegation is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they will abide by any condition that may be imposed by this court. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that on the date of occurrence, the defacto complainant and his friend went to 1st petitioner's hotel, had a lunch and when they complained about the quality food to the 1st petitioner, there was a wordy quarrel between them, thereby they abused them and also threatened them with dire consequences. He would submit that that if they are released on anticipatory bail, they may tamper the witnesses and hamper the investigation and now the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed, this Court is 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 Judicial Magistrate, Tiruchengode, on condition that the petitioners 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 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.



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[b] the petitioners shall appear before respondent police everyday at 10.30 a.m. for the period of four weeks and thereafter, as and when required for investigation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

26.05.2023

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