



WEB COPY



Crl.O.P.No.12452 of 2023

Crl.O.P.No.12452 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 323, 294(b), 506(ii) of IPC, in Crime No.129 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the accused are neighbours and there used to be frequent quarrels between them in respect of fetching water. While so, on 24.05.2023 at about 11 p.m., the petitioner along with the other accused, abused and attacked the defacto complainant with his hands. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that there is a case in counter in Crime No.128 of 2023 against the defacto complainant and others. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.12452 of 2023

WEB COPY

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

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also of the fact that the victim has been discharged from the hospital and that there is a case in counter, 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



CrI.O.P.No.12452 of 2023

WEB COPY

from the date on which the order copy made ready, before **the learned II Metropolitan Magistrate, Egmore, 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 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 petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



CrI.O.P.No.12452 of 2023

[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.

07.06.2023

ksa-2



WEB COPY



Crl.O.P.No.12452 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.12452 of 2023

07.06.2023