



Crl.OP.No.12525 of 2023

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 324 and 506(ii) of IPC in Cr.No.797 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with another was sitting outside the TASMACH shop and questioned the shop owner/defacto complainant as to why he has not opened the shop, following which, the petitioner abused and assaulted the defacto complainant and also caused injuries to him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the petitioner was earlier granted anticipatory bail in Crl.OP.No.2382 of 2023 dated 06.02.2023. However, due to his sickness, the petitioner was unable to surrender and execute sureties within a stipulated time and thereby the earlier order got lapsed. Hence, the present petition and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for



the respondent would submit that the petitioner along with another was sitting outside the TASMACH shop and questioned the shop owner/defacto complainant as to why he has not opened the shop, following which, the petitioners abused and assaulted the defacto complainant and also caused injuries to him. However, he would further submit that the petitioner was earlier granted anticipatory bail in Crl.OP.No.2382 of 2023 and he was unable to surrender and execute sureties within a stipulated time. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records including the FIR.

6. Taking into consideration the facts and circumstances of the case, and the submissions made by both counsel and the petitioner has voluntarily come forward to execute sureties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit either through



WEB COPY



CrI.OP.No.12525 of 2---

RTGS/NEFT or in cash in favour of “ ***Chief Justice Relief Fund, High Court of Madras***” and on such deposit and production of proof , 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 Judicial Magistrate-II, Poonamalle*** 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 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 report before the respondent police every day at 10.30 a.m., until further orders;**

[c] the petitioner shall not tamper with evidence or



WEB COPY



CrI.OP.No.12525 of 2023

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]*; and;

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

Vv

20.06.2023

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.OP.No.12525 of 2---

Vv

Crl.OP.No.12525 of 2023

20.06.2023