



Crl.O.P.No.12854 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC and under Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.153 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Esha Irem is that, due to family quarrel, the petitioners have abused and attacked the defacto complainant. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioner is the grand mother of the defacto complainant and the second and third petitioners are relatives and the incident had happened during a family dispute. He further submitted that the petitioner has no previous case pending against



Crl.O.P.No.12854 of 2023

WEB COPY

him. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the first petitioner is the grand mother of the defacto complainant and during the family quarrel, the petitioners along with other accused have assaulted the defacto complainant resulting in sustaining injuries and she was admitted in the hospital as in-patient for three days. He would also submit that the petitioner has no previous case pending against him. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances of the case and the submissions made on either sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in



CrI.O.P.No.12854 of 2023

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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 Court No.XVI, Chennai**, on condition that the each of the petitioner shall execute a separate 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police every day 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



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Crl.O.P.No.12854 of 2023

[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.

14.06.2023

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CrI.O.P.No.12854 of 2023

CrI.O.P.No.12854 of 2023

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