



Crl.O.P.No.12844 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 in Crime No.109 of 2023, seek anticipatory bail.

2. The case of the prosecution is that while the petitioners were doing welding utilising the common passage, the defacto complainant asked the petitioners to do their work beside the common passage, due to which, the petitioners abused and attacked the defacto complainant using pipe. 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 due to previous enmity the defacto complainant has given a false complaint against the petitioners. He further submitted that on the complaint given by the petitioners, a case in Crime No.110 of 2023 has been registered against the de facto



Crl.O.P.No.12844 of 2023

WEB COPY

complainant and only as a counterblast, a false complaint has been foisted by the de facto complainant against the petitioners in Crime No.109 of 2023. He would further submit that it is a case and case in counter. 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 petitioners while doing welding business, the defacto complainant asked the petitioners to do their work beside the common passage, due to which, the petitioners abused and attacked the defacto complainant using pipe. He would further submit that the injured has been discharged from the hospital and it is a case and case in counter. 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.



CrI.O.P.No.12844 of 2023

WEB COPY

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 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 No.II, Chengalpattu**, 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.



Crl.O.P.No.12844 of 2023

[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.

[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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Crl.O.P.No.12844 of 2023

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Crl.O.P.No.12844 of 2023



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CrI.O.P.No.12844 of 2023

14.06.2023