



WEB COPY



Crl.O.P.No.12868 of 2023

Crl.O.P.No.12868 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323, 506(i) and 427 IPC in Crime No.123 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 01.06.2023 at about 8.45 p.m, while the defacto complainant was proceeding in his BENS Car bearing Regn. No.TN-7-V-0777, near Santhome high road, 1st petitioner who was driving the car bearing Regn. No.TN-06-AC-9812 and coming in the opposite direction, had damaged the car of the defacto complainant. Subsequently, the petitioners had gone to the house of the defacto complainant and assaulted the defacto complainant and his wife and also threatened them with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the incident had occurred on account of road rage. He would further submit that the petitioners are ready to abide by any stringent conditions



Crl.O.P.No.12868 of 2023

that may be imposed on them. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose for grant of anticipatory bail to the petitioners stating that this is a case where subsequent to the road rage, the petitioners have trespassed in to the house of the defacto complainant and assaulted him indiscriminately resulting in the defacto complainant sustaining Rib fracture and that the accused had also caused damages to the car of the defacto complainant. He would further submit that the entire incident has been recorded in the CCTV camera and that the 1st petitioner is the person who assaulted the defacto complainant.

5. At this juncture, the learned counsel for the petitioners would submit that ever as per the FIR, the allegations are attributed only against the 1st petitioner and that the defacto complainant has also assaulted the petitioners and there is no premeditation in this case. However, the 1st petitioner without prejudice, is ready to deposit a sum of Rs.30,000/- to



Crl.O.P.No.12868 of 2023

WEB COPY

the credit of crime number and they have no objection in the amount being released to the defacto complainant for his medical expenses and that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR and the CCTV footage shown by the prosecution.

7.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the **1st petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to the credit of Crime No.123 of 2023 within a period of fifteen days from the date on which**



CrI.O.P.No.12868 of 2023

WEB COPY

the order copy made ready, before the learned XXIII Metropolitan Magistrate, Saidapet, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, on condition that the petitioners 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 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 1st petitioner shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, daily at 10.30 a.m., until further orders;

[c] the 2nd and 3rd petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;



CrI.O.P.No.12868 of 2023

[d] the defacto complainant is permitted to withdraw the deposit amount of Rs.30,000/- on proper identification and acknowledgement;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.06.2023

ksa-2

Copy to;
The Inspector of Police,
Cantonment Police Station, Trichy.



WEB COPY



Crl.O.P.No.12868 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.12868 of 2023

22.06.2023