



Crl.O.P.No.13471 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 alleged offences punishable under Sections 143, 294(b), 379, 341, 427, 504, 506(1) and 149 of IPC in Crime No.134 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant/Abdul Khader, is that due to the dispute over the demand of maintenance charges for his two shops, the accused had abused the defacto complainant with filthy language and also threatened him with dire consequences. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case on account of civil dispute between them. He further submitted that the defacto complainant without paying the maintenance charges for his two shops,



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he has been enjoying all the amenities without any interruption and the same was confirmed by the Advocate Commissioner who inspected the premises of the defacto complainant on 11.09.2022. He further submitted that the defacto complainant has been continuously creating nuisance not only to the petitioners but also to the entire tenants in the apartment complex. He further submitted that only in order to avoid the payment of maintenance charges, the defacto complainant has given a false complaint against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner A1 is the Secretary and A2 and A3 are the other staffs of the Wellington Estate Society. Due to the dispute over the demand of maintenance charges, the petitioners abused and threatened the defacto complainant and however, he opposed for granting anticipatory bail to the petitioner.



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

6. Taking into consideration the facts 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.

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 is made ready, before the learned XIV Metropolitan Magistrate, Egmore, Chennai-8, on condition that the petitioners shall execute 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



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bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police at 10.30 a.m, for a period of two weeks and the petitioners 2 and 3 shall report before the respondent police everyday 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;

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