



Crl.O.P.No.13469 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Arun Kumar and Ramesh, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 498(A) and 506(i) of IPC in Crime No.6 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, allegations made in the FIR are totally false. This case is registered only to harass the petitioners. He further submitted that, A1 and A2 were arrested and produced before the learned Judicial Magistrate No.2, Alandur seeking remand. The learned Magistrate refused to remand the accused for the reason that, there is no ground for remanding the accused. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, petitioner along with other accused at about 07.30.a.m., on 08.06.2023, had food in a tiffin centre run by defacto complainant in a push cart. When defacto complainant demanded money, they told him



that, they are rowdies. Not only that, they had also forcibly taken a sum of Rs.1,200 and pushed the eatables on the ground and made criminal intimidation. He further submitted that, apart from this case, there is one previous case pending against the 1st petitioner and there is no previous case pending against the 2nd petitioner.

4. Considered the rival submissions and perused the records. It is seen from the FIR that, allegations appears to be artificial in nature. It is informed that, except the statement of the defacto complainant, statement of the eye witnesses are not recorded. There is a doubt in the genuineness of the case. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is not necessary.

5. Accordingly, 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.2, Alandur** on condition that the petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty**



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Five 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily 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



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with law as if the conditions have been imposed and the petitioner 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.

04.08.2023

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