



WEB COPY



Crl.O.P.No.16418 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 448, 294 (b), 323, 324 and 506 (ii) of I.P.C. in Crime No.114 of 2023 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated as accused in Cr.No.114 of 2023 registered for the offences under Section 448, 294 (b), 323, 324 and 506 (ii) of I.P.C. There is a case in counter in Cr.No.115 of 202 registered for the offences under Section 294 (b), 323, 324 and 506 (2) of I.P.C. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned counsel Government Advocate (Criminal side) submitted that on 02.07.2023 at about 09.00 p.m, accused in this case had illegally trespassed into the defacto-complainant's house,



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in connection with dispute between defacto-complainant son Dinesh and Elumalai son Madhangopal. Madhangopal had threatened them with knife. When defacto-complainant's sons Dinesh and Sathish came out of their room, the accused started attacking defacto-complainant's sons. As a result, they suffered injuries. They were treated and discharged from hospital.

4.Considered the rival submissions and perused the records.

5.Considering the fact that the fight between two parties, some suffered injuries and case and case in counter came to be registered and injured had been treated and discharged, this Court is of the view that custodial interrogation of the petitioners is not necessary. Thus, this Court is inclined to grant anticipatory bail to the petitioners. 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, Arakkonam Taluk, Ranipet District**, on condition that the



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petitioners shall execute a bond for a sum of **Rs.10,000/- each (Rupees Ten Thousand only) each 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 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



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Court himself as laid down by the Hon'ble Supreme Court
in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

27.07.2023

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