



Crl.O.P.No.17421 of 2023

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**RMT.TEEKAA RAMAN, J.**

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 448, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Women Harassment Act, in Crime No.223 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant approached the accused, who is a carpenter, for doing interior works in his house, whereas, due to some mis-understanding with regard to fixation amount for doing the work, the accused refused to do the work. Thereafter, the defacto complainant assigned another carpenter for doing interior works in his house and on knowing the same, the accused trespassed into the house of the defacto complainant, abused him and assaulted him with bucket and pushed down his wife. Hence the case.



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3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and after finished the work, the defacto complainant has refused to give the payment and the same was questioned by the petitioner, the defacto complainant has given a false complaint against him. He would further submit that the petitioner is no way connected with the alleged offence. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to money dispute, the accused trespassed into the house of the defacto complainant, abused him and assaulted him with bucket and pushed down his wife. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned V Additional Metropolitan Magistrate, Egmore** on condition that the petitioner shall execute a 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 petitioner 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.



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**[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks;**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance 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 abscond, a fresh FIR can be registered under Section 229A IPC.

**08.08.2023**

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