



*Crl.O.P.No.20814 of 2023*

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**RMT.TEEKAA RAMAN, J.**

The Petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 341, 294(b) and 307 of IPC, in Crime No.261 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the step-father of A1 and due to previous enmity, A1 along with three other accused trespassed into the house of the defacto complainant, abused him and also assaulted him with knife. Hence the case.

3.The learned counsel for the Petitioner submitted that the Petitioner is an innocent person and the name of the Petitioner does not find place in the first information report. He would further submit that A1 in this case has been arrested and later, enlarged on bail by the trial Court. Hence, he prayed for grant of anticipatory bail to the Petitioner.

4. The learned Government Advocate appearing for the respondent Police submitted that A1 was granted statutory bail by the learned XVI Metropolitan Magistrate, Georgetown. He would further submit that the injury sustained by the defacto complainant is grievous in nature. Hence, he opposed for grant of anticipatory bail to the Petitioner.

5.Heard the learned counsel for the Petitioner as well as the learned



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Government Advocate and perused the entire materials available on record.

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6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either sides and the fact that there is previous enmity between the parties and Crime No.79 of 2021 was registered, regarding assault on the Defacto Complainant and in the present case injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

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 XVI Metropolitan Magistrate, George Town, Chennai**, on condition that the Petitioner 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 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 three weeks and thereafter as and when required;

[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.

**19.09.2023**

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**RMT.TEEKAA RAMAN, J.**

*sai*

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