



Crl.O.P.No.21738 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 325 and 506(ii) of IPC, in Crime No.126 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the defacto complainant and the 1st accused. While so, the defacto complainant had constructed a concrete bridge to prevent rain water from entering into his house in the common pathway of his ancestral property. It is alleged that one Santhakumar, a common relative had removed the said concrete bridge and when the defacto complainant questioned the same, the petitioners went to the defacto complainant's house and abused him in filthy language, assaulted him and threatened him with dire consequences, due to which, the defacto complainant sustained injuries. Hence, the case.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners also lodged a counter case against the defacto complainant in Crime No.127 of 2023. The 1st accused in this case was arrested and released on bail by the Metropolitan Magistrate-II, Egmore, in Crl. M.P.No.37502 of 2023 dated 31.08.2023. He would also submit that the defacto complainant was also arrested in Crime No.127 of 2023 and released on bail on 30.08.2023 in Crl.M.P.No.37499 of 2023. He would also submit that the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that due to wordy quarrel arose between the petitioners and the defacto complainant in respect of pathway dispute, the petitioners along with other accused abused the defacto complainant in filthy language and assaulted him. He would further submit that the injured has been



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discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also taking into consideration the fact that A1 in this case has been released on bail and the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. 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 made ready, before the **Metropolitan Magistrate – II, Egmore, Chennai**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (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:



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[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 on every Wednesday and Saturday 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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