



Crl.O.P.No.23033 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 353 and 506(2) of IPC in Crime No.299 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that the petitioner has been falsely implicated as an accused in Crime No.299 of 2023 registered for the offences under Sections 294(b), 353 and 506(2) of IPC. Thus, he prays for grant of anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Criminal side) that the brother of the petitioner is having marital dispute with his wife. The bailiff came to the house of the petitioner herein, situated at Minjur, Tiruvallur District, in order to serve warrant in a case pending in City Civil Court, which is outside the jurisdiction of the City Civil Court, Chennai. Owing to the litigation pending, the bailiff wanted to serve process on the petitioner herein and hence he went to the house of the petitioner. It appears



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that they had involved in wordy quarrel. I am not able to understand that how the bailiff, without having jurisdiction, tried to effect service on somebody, who is residing outside the jurisdiction. Proper procedure should be followed.

4. It is contended by the learned counsel appearing for the petitioner that the petitioner had also given a complaint against the bailiff.

5. Taking an over all consideration of the entire issue, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate, Ponneri, Tiruvallur District** 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



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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.

[b] the petitioner shall report before the respondent Police, on every Saturday 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]**;

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

06.10.2023

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