



Crl.O.P.Nos.25255 and 25244 of 2023

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C.V.KARTHIKEYAN, J.

The 4th accused has filed Crl.OP.No.25255 of 2023 and the 3rd accused has filed Crl.OP.No.25244 of 2023, both in Crime No.268 of 2023, registered under Sections 294(b), 324, 325, 506(ii) and 307 IPC.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

2.The anticipatory bail application of the petitioners came up for consideration earlier in Crl.OP.Nos.23022 and 23241 of 2023. By an order dated 9.10.2023, this Court had dismissed the said anticipatory bail applications. The facts had been stated in the earlier order dated 9.10.2023 and in order to avoid inconsistency in recording of facts let me record the same facts once again.

3.The entire issue is an unnecessary incident of the de facto complainant going along with others to a pub in the middle of the night and the petitioners herein along with others who probably had acquaintance with one of them entered into a quarrel with the de facto complainant and his companies. The entire issue was with respect to an estranged relationship of one of the member of the accused party with a lady who had come along with the de facto



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complainant. There was a wordy quarrel in the first pub and thereafter, when they were moved to a second pub again in the middle of the night, there was again a wordy quarrel.

4. It had been stated that the over tact as against these petitioners are that they accompanied the other accused and worked around the middle of the night in the streets moving from one pub to another pub and also generally, being by standers in the quarrel and assault which take place. Even on the earlier occasion, it had been stated that A1 had been granted anticipatory bail, but that time the provision of law under Section 307 IPC had not been included as a provision of law and subsequently after getting permission from the learned Magistrate, he had executed sureties even for the offence under Section 307 IPC. A2 had been arrested even on an earlier occasion and subsequently A2 had been granted bail by the learned Magistrate. It is contended on behalf of the petitioners that the petitioners did not participate directly in the offences but were around, when the incident had happened. Taking that factor into consideration, and the change in circumstance that A2 had been granted bail and A1 had executed sureties even for the offence under Section 307 IPC, anticipatory bail granted to the petitioners.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain



conditions.

6. Accordingly, the petitioners/A4 and A3 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 **XXIII Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioners each 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 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/**A4 and A3** to appear before the respondent **police every day at 10.30 a.m. for a period of two weeks** and thereafter as and when required for interrogation.

[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.



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[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.

03.11.2023

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