



Crl.O.P.No.25571 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 506(ii) and 336 of I.P.C r/w.152 and 153 of Railway Act, 1989, in Crime No.139 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are students of the Presidency college at Chennai. On 09.10.2023, the petitioners and their gang had thrown small size black stones towards the train when the students of Pachiyappas College were travelling and there was a wordy quarrel with each other which accelerated into violence leading to lodging of the complaint and registration of the F.I.R. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) for the respondent submits that there was a wordy quarrel with petitioner along with another and the de-facto complainant which accelerated into violence. The co-accused had been already arrested and released on bail. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and the co-accused already been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 **learned XVI Metropolitan Magistrate at George Town**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties out of which one surety shall be mother or father of the petitioner herein for a



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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] Further, the fact that F.I.R in Crime No.139 of 2023 had been registered under the said provisions must be informed by the Metropolitan Magistrate to the college to be registered in the college records of the petitioners and must be reflected in every certificate issued to the petitioners.

[c] the petitioners shall report before the respondent Police, on everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



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[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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