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CrI.O.P.No.25970 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.312 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 03.08.2023 when the defacto complainant was proceeding to home after his work, the petitioner came in a bike in the opposite direction and had dashed the defacto complainant. When the defacto complainant questioned the same, the petitioner abused him in a filthy language and attacked him by hands and wooden log and also threatened him with dire consequences. Hence the case.

3.It is stated that the petitioner had also given a complaint against the defacto complainant and that had been registered with FIR in Crime No.313 of 2023.

4.On the side of the respondent, it is stated that there are 39



CrI.O.P.No.25970 of 2023

previous cases against the petitioner, but however, the learned counsel for the petitioner states that in 32 cases the petitioner had been acquitted.

5.Taking all these factors into consideration and the age of the petitioner and also the fact that there is a counter case registered against the defacto complainant, 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 X Metropolitan Magistrate, Egmore, Chennai, 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 shall stand dismissed and on further condition that:



CrI.O.P.No.25970 of 2023

[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 daily at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

15.11.2023

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