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Crl.O.P.No.26309 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners seek anticipatory bail in Crime No.729 of 2023 registered by the respondent Police for the offences under Sections 147, 294(b), 323, 506(ii) IPC r/w Section 4 of Women Harassment Act.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side).

3.The learned Government Advocate (Criminal side) stated that the defacto complainant and the petitioner are Advocates. It is stated that there was a professional enmity over a particular client who had decided to change the Advocate. It is further stated that, other accused along with the petitioner on 09.11.2023 at about 9.45 p.m., had entered into the house of the defacto complainant and had assaulted him and his mother. However, the injured had been treated as out-patients.



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4.It is also contended that one of the member of the 1st accused had also suffered injuries.

5.The learned counsel for the defacto complainant raised strong protest to grant of any relief to the petitioners herein.

I hold that professional enmity should not turn out into a quarrel and escalate into assault. There could only be a debate inside the Court hall and it should not travel outside the Court hall.

6.I understand the stand of the learned counsel for the defacto complainant. The Court should also ensure that the flame is not further burnt and should ensure that prudence is maintained by all the parties.

7.Taking all the factors into consideration, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8.There is a further request made by the learned counsel for the defacto complainant that atleast the 1st accused who is also an Advocate



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should stay away from Tiruvallur. But again that would also affect his future in the profession and owing to this one incident, I do not want any one of the two Advocates to suffer. But at the same time, the 1st petitioner should give an affidavit stating that he would abide by the terms of oath which he had taken at the time of his enrollment. Let that affidavit be filed before the learned Judicial Magistrate-I, Ponamallee in FIR in Crime No.729 of 2023

9. 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 **Judicial Magistrate-I, Ponamallee**, on condition that the petitioners 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



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Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police every Saturday at 10.00.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;

[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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