



Crl.OP.No.29108 of 2023

Crl.O.P.No.29108 of 2023

P.DHANABAL, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) & 506 (ii) of IPC in Crime No. Not known of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are tenant and owner. There was a wordy quarrel between the petitioner and the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would contend that he is falsely implicated by the respondent police in the case. Hence he seek anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that a civil suit between the parties is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the rival submissions on either side and there is a



Crl.OP.No.29108 of 2023

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civil suit pending between the parties and the fact that except 506(ii) of IPC other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is 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 XVIII Metropolitan Magistrate, Saidapet, on condition that the petitioner 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 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



Crl.OP.No.29108 of 2023

every Saturday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

28.12.2023

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