

Crl.O.P.No.8779 of 2024

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(ii) of IPC in Crime No.290 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons in an inebriated condition were standing at the petitioner's company taking photographs with their cameras. At that time, the petitioner and the other accused persons attacked the defacto complainant, used filthy language and also threatened with dire consequences. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he is no way connected with the above alleged offence. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner in an inebriated condition taking

photographs with their cameras, at that time, the petitioners assaulted the defacto complainant with iron rod and threatened with dire consequences. due to a wordy quarrel regarding singing the song of the defacto complainant's daughter, for which, the petitioner attacked the defacto complainant. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is prepared to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of crime number and also submitted that the petitioner has no objection in the amount being released in favour of the de-facto complainant.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel that the petitioner without prejudice to his rights is volunteered to deposit a sum of Rs.10,000/- to the credit of the Crime Number, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from

the date of receipt of a copy of this order before the *learned Judicial Magistrate No.II, Ponneri*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, 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 and on further condition that:

(a)the petitioner shall deposit a sum of Rs.10,000/- to the credit of Crime No.290 of 2024 before the learned Judicial Magistrate No.II, Ponneri, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m, for a period of eight weeks;

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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 has been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

10.04.2024

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