



Crl.O.P.No.13659 of 2024

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T.V.TAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 427 and 506(ii) of IPC, 1860 in Crime No.190 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the defacto complainant is working as a Tea Master in a Tea shop. On 18.05.2024, the petitioner along with his friends came to the Tea shop of the defacto complainant and had Vadai and Tea and thereafter, refused to pay the money and when the same was questioned by the defacto complainant, there was a wordy quarrel between them during to which, the petitioner and his friends abused him with filthy language and also attacked with stones and caused him head injury. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant



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anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner along with his friends went to shop of the defacto complainant and after having Vadai and Tea, refused to pay the money and when it was questioned by the defacto complainant, the petitioner along with his friends abused the defacto complainant in filthy language and attacked him with stones and caused him head injury. He further submits that co-accused in this case has already released on bail and that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also considering the fact that the injured has been discharged from the hospital and the co-accused has been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on anticipatory 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 Metropolitan Magistrate-II, Egmore**, 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.190 of 2024, before the learned Metropolitan Magistrate-II, Egmore, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below and on such deposit, the de-facto complainant is permitted to withdraw the said amount, on filing an "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;



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[c] the petitioner shall report before the respondent police, on every Saturday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation;

[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 anticipatory 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;

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