

Crl.O.P.No.14136 of 2024

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offences punishable under Sections 294(b) @ 323, 324, 506(2) of IPC and Section 4 of TNPHW Act, 2002 in Crime No.195 of 2024, on the file of the respondent Police seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a Biryani shop in a push cart and the petitioners also running a Biryani shop in the same area in another push cart. The petitioners having jealous over the defacto complainant's business, frequently quarreled with him and tore the Tarpaulin wrapped in the push cart. On 12.05.2024, the push cart was damaged and when it was questioned by the defacto complainant, the petitioners abused the defacto complainant and his family members and attacked with knife, due to which the defacto complainant and his family members sustained injuries all over the body. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners were innocent and they were falsely implicated in this case. He further submitted that the petitioners have not committed any such offence as alleged

by the defacto complainant. The defacto complainant and his family members only attacked the petitioners and due to which the petitioners sustained injuries. The 1st petitioner also lodged a complaint against the defacto complainant and the same has been registered in Crime No.196 of 2024 on the file of the respondent Police under Sections 294(b), 323 and 324 of IPC. Due to influence, the defacto complainant has lodged a false complaint against the petitioners. He further submitted that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Therefore, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that this is a case and counter case, where the defacto complainant lodged a complaint against the petitioners and the petitioners have lodged a complaint against the defacto complainant. He opposed for granting anticipatory bail to the petitioners by stating that the petitioners have caused damage to the push cart of the defacto complainant and also they have attacked the defacto complainant and his family members.

5.Taking into consideration the facts and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail

to the petitioners with certain conditions.

6. Accordingly, **the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.195 of 2024,** within a period of two weeks from the date of this order and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate cum Additional Mahila Court, Erode*, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, **out of which one surety should be a blood surety** 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 petitioners 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;

[b] the 1st petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and the petitioners 2 & 3 shall report before the respondent police 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 has been imposed and the petitioners are 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 229-A IPC; and

[g] the defacto complainant is permitted to withdraw the amount deposited by the petitioners in Crime No.195 of 2024, on proper identification, in the manner known to law.

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