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Crl.O.P.NoNo.15850 of 2024

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T.V.THAMILSELVI,J.

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 324 and 506(1) IPC in Crime No.103 of 2024, seek anticipatory bail.

2. Learned counsel appearing for the petitioners submitted that the and the petitioners have been falsely implicated in this case and stating that petitioners are the owners of the property and they gave their own house construction work to the defacto complainant, who is running a construction company. Since, the defacto complainant failed to complete the construction work in time, the petitioners went to the construction place and questioned him, during which, he abused the petitioners and attacked them, thereby, the petitioners have lodged a complaint against the de facto complainant which is registered in Crime No.101 of 2024. Whereas, the de facto complainant had also lodged a false complaint against the petitioners, as if they have assaulted him. He further submits that are ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the



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petitioners.

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3. Learned Government Advocate (Crl.Side) appearing for the respondent opposed this petition, stating that it is a case and a case in counter, due to delay in construction of house, there was a wordy quarrel. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

4. Taking into consideration the facts of the case and the submissions made by the learned counsel on both sides that it is a counter case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on **anticipatory 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 X Metropolitan Magistrate at Egmore**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (**Rupees Ten Thousand only**) each with two sureties, each for a like sum to the



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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 shall deposit a total sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.103 of 2024 before the concerned Magistrate within a period of two weeks from the date of this order and on such deposit, and on such deposit, the de-facto complainant/victim is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] 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 Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent Police as and when required for interrogation;

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

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[g] 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]***;

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

08.07.2024

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