



Crl. O.P. No.20179 of 2024

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WEB C P.DHANABAL.J.,

The petitioners apprehend arrest for the alleged offence under Sections 341, 294(b), 324, 307 and 506(ii) of IPC in Crime No.767 of 2017, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the on 07.05.2017 at midnight, the petitioners along with knives came to the defacto complainant's house and misled his younger son Dineshkumar and abused him in filthy language, attempted to murder and caused him grievous hurt and also threatened with dire consequences. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have not committed any offence as alleged in the FIR, that the defacto complainant and his henchmen only had involved in the quarrel and assaulted the petitioners and others and due to which, the petitioners also got injury and they have been falsely implicated in this case and hence he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit



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that totally there are 4 accused involved in this case and these petitioners are A2 and A3, that there is specific overt act attributed as against these petitioners / A2 & A3, against whom absconding charge sheet has been filed, that the accused persons attacked the defacto complainant's son with hands and caused injury using knife and therefore, he objected to grant anticipatory bail to the petitioners. He would further contend that investigation was completed, that the injured person was discharged from the hospital, there is no previous case pending against these petitioners and the charge sheet was filed against A1 in P.R.C. No.44 of 2018.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the injured person was discharged from the hospital, that there is specific overt act attributed as against these petitioners that they assaulted the defacto complainant's son with hands, that absconding charge sheet was filed against these petitioners and also considering the fact that there is no previous case pending against these petitioners, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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WEB COPY 7. Accordingly, the petitioners are 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, Chennai** on condition that the petitioners shall each 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the concerned jurisdictional Magistrate on every working day at 10.30 am. for a period of 30 days.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.



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[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 petitioner 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 269 B.N.S.2023.

21.08.2024

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To

- 1.The XVIII Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police, E1 Mylapore Police Station, Chennai.
3. The Public Prosecutor, High Court, Madras.



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