



Crl.O.P.No.28153 of 2023

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C.V.KARTHIKEYAN, J.

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The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 353 and 506(ii) of I.P.C of I.P.C and Section 3 of TN Public Property (Prvnt of Damage and Loss) Act, 1992 in Crime No.464 of 2023, seek anticipatory bail.

2. It is stated that there are totally 3 accused and all of them, under the influence of alcohol, entered into a quarrel in Riaz Biryani shop at Poompohar Nagar near Ganga theater and when the police persons came there, they continued to quarrel with the police and it is stated that the windshield of the police vehicle was also broken. The first accused had filed Crl.O.P.No.28680 of 2023 seeking anticipatory bail and since he was arrested the said petition has been dismissed vide order dated 03.01.2024. Insofar as the present petitioners are concerned it is stated that there are 12 previous cases against the first petitioner and there are no previous case against the second petitioner.

3. Taking into consideration the facts and circumstances, **this petition is dismissed with regard to the first petitioner** and for the second petitioner this Court is inclined to grant anticipatory bail subject to the following conditions:



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4. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **XIII Metropolitan Magistrate Court Egmore, Chennai** 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 satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second petitioner 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.

[b] the second petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner 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 second 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 229A IPC.

03.01.2024

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