

CRL.O.P.No.15589 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) IPC in Crime No.537 of 2014 on the file of the respondent police, petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner is alleged to have abused the defacto complainant in a filthy language and attacked and threatened him.

4. Learned Counsel for the petitioner submitted that the petitioner has not committed any such offence and that a false case has been foisted against him.

5. Learned Government Advocate (Crl. Side) submitted that absconding charge sheet has been filed in this case as against the petitioner and the case is pending in S.T.C.No.2400 of 2015 before the Judicial Magistrate, Sirkali.

6. Considering the facts and circumstances of the case and also taking note of the fact that the the case is pending in S.T.C.No.2400 of 2015, **this Court is inclined to grant anticipatory bail to the petitioner.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Sirkali subject to the following conditions:**

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(i) 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 Magistrate concerned;

(ii) the petitioner shall report before the Judicial Magistrate, Sirkali on all hearings without fail.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial.

[v] on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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]**.

8. The Judicial Magistrate, Sirkali is expected to conduct the proceedings on a day-to-day basis, without adjourning the case beyond four working days at any point of time and after the case is committed, the Sessions Judge is also expected to follow the same pattern for adjournment and dispose of the case, as early as possible.

28.07.2016

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