

CRL.O.P.No.19569 of 2016**S.VAIDYANATHAN,J.**

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294, 341, 323, 324, 307 of IPC r/w.149 of IPC in P.R.C.No.3 of 2014 on the file of Judicial Magistrate No.II, Ulundurpet, the 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, who is arrayed as 10th accused, is one of the members, who lawfully assembled and assaulted the victim. Charge sheet was filed and NBW was issued against this petitioner.

4. Learned counsel for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case. He would further submit that the respondent police, on receipt of a complaint, a case has been registered under Sections 147, 148, 294, 341, 323, 324, 307 of IPC r/w.149 of IPC. Meanwhile, the respondent police, on completion of investigation, filed a final report before the Judicial Magistrate No.II, Ulundurpet and the same has been taken on file in P.R.C.No.3 of 2014. Hence the petitioner has approached this court seeking anticipatory bail.

5. The learned Government Advocate (Crl. Side) submitted that on completion of investigation, final report was filed in PRC.No.3 of 2014 and now committal proceedings are pending before the Judicial Magistrate No.II, Ulundurpet.

6. Considering the facts and circumstances of the case and also taking note of the fact that on completion of investigation, charge sheet has been laid in PRC.No.3 of 2014 before the Judicial Magistrate No.II, Ulundurpet, this Court of the view that the custodial interrogation of this petitioner may not be required. **Therefore, 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 No.II, Ulundurpet, subject to the following conditions:**

(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 Committal Court/trial Court 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]**.

The **Judicial Magistrate No.II, Ulundurpet, is directed to complete the committal proceedings on day to day basis without adjourning the matter beyond ten working days at any point of time and on committal,** the Trial Court is directed to take up the matter and proceed with the same on a day-to-day basis and shall not adjourn the matter beyond two weeks at any point of time and the petitioner shall co-operate with the trial.

01.09.2016

gv

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