

Crl.O.P.No.15504 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.51 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 06.08.2019, due to previous enmity regarding civil dispute, the petitioner along with some other accused persons abused the defacto complainant in filthy words and assaulted him with iron pipe, sekkumattai, stone, hands and legs and when his brother intervened, he was assaulted by hands and legs. The accused have taken away his four sovereigns of gold chain and cell phone from the defacto complainant and criminally intimidated him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as

alleged by the prosecution. He further submitted that originally the defacto complainant assaulted the petitioner for which, the petitioner lodged a complaint in Crime No.52 of 2022 as against the defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that totally there are 9 accused and the petitioner is arrayed as A2. He further submitted that it is a case in counter and the victim discharged from the hospital on 07.06.2022. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the victim discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the 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 learned Judicial Magistrate No.II, Attur, on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 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 petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[e] On breach of any of the aforesaid conditions, the learned 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

06.07.2022

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