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CrI.O.P.No.15702 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No. 338 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, due to previous enmity between the petitioners and the defacto complainant with regard to cutting down of the tree, while so, on 27.06.2022, the first petitioner in drunken mode teased the defacto complainant who is a handicap and after that, the defacto complainant went along with his mother to the house of the petitioners, at that time, the petitioners abused the defacto complainant and snatched the support log and assaulted him on knee, head and right hand and also his mother, both of them sustained internal injuries and admitted in the hospital. Hence, the complaint.

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



Crl.O.P.No.15702 of 2022

alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are two accused in this case, in which, the petitioner herein is arrayed as A2. Due to previous enmity with regard to cutting down of the tree, the petitioners assaulted the defacto complainant and caused injuries. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also considering that the injured 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, Dharapuram, on condition that 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



Crl.O.P.No.15702 of 2022

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 report 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]**.



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Crl.O.P.No.15702 of 2022

G.K.ILANTHIRAIYAN, J.

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

07.07.2022

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Crl.O.P.No.15702 of 2022