



Crl.O.P.No.21167 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 294(b), 324, 307 & 506(ii) IPC in Crime No.488 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to the dispute with regard to the construction of the house, the petitioner along with the other accused trespassed into the house of the de-facto complainant, had abused him in a filthy language and assaulted the de-facto complainant and his relatives with wooden log, causing bleeding injuries and threatened them with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to the dispute with regard to the construction of house, a false complaint has been



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lodged against the petitioner. He would further submit that the co-accused in this case has been granted with bail in Crl.M.P.No.1367 of 2022 dated 15.09.2022. He would also submit that the petitioner is prepared to comply with any stringent condition imposed by this Court and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is arrayed as A12 and there exists a previous enmity between the de-facto complainant and A1 due to the construction of house, due to which, the petitioner along with the other accused trespassed into the house of the de-facto complainant, abused him in a filthy language and assaulted the de-facto complainant and his relatives with wooden log and caused injuries. He would further submit that the injured have been discharged from the hospital on 28.08.2022. He would also submit that there is no previous case as against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact the injured have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. 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 **District Munsif cum Judicial Magistrate, Valangaiman**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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which, the petition for anticipatory bail shall stands dismissed and on further conditions 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 stay at Chennai and report before the Inspector of Police, North Beach Police Station, everyday at 10.30 a.m., until further orders;

[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



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**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;

22.09.2022

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