



Crl.O.P.No.21334 of 2022

Crl.O.P.No.21334 of 2022

A.D.JAGADISH CHANDIRA,J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 324 and 506(ii) of Indian Penal Code, in Crime No. 175 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to financial dispute, the petitioners have assaulted the defacto complainant with iron rod, resulting him in sustaining injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant had cheated the petitioner's friend one Ryon Jose and the petitioner on behalf of his friend had questioned the defacto complainant and in order to evade the payment, he had given a false complaint against the present petitioners. He would further submit that the defacto complainant and his friend have cheated the petitioners' friend to the tune of Rs.72 lakhs. Hence, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.21334 of 2022

4. The learned Government Advocate (Crl. Side) would submit that the petitioners in a financial dispute have assaulted the defacto complainant with iron rod, resulting him in sustaining injuries and he was treated as out-patient. He would further submit that the A1 has got two previous cases of similar in nature and as far as A2 is concerned, no previous cases against him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that A1 has got two previous cases of similar in nature, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. As far as the second petitioner/A2 is concerned, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, the second petitioner/A2 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.1, Ulundurpet at Kallakurichi**



Crl.O.P.No.21334 of 2022

District 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 which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second petitioner/A2 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 second petitioner/A2 shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the second petitioner/A2 shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner/A2 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]**.



WEB COPY



Crl.O.P.No.21334 of 2022

A.D.JAGADISH CHANDIRA,J.

Sma/Shk

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

7. Accordingly, this Criminal Original Petition is dismissed for first petitioner/A1 and allowed for second petitioner/A2.

05.09.2022

Crl.O.P.No.21334 of 2022