



Crl.O.P.No.21349 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 offences punishable under Sections 294(b), 341, 323, 324 and 506(ii) of IPC, in Crime No. 402 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioner along with the other accused had brutally assaulted the defacto complainant with wood rod, resulting him in sustaining grievous injuries.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case since he happens to be friend of the other accused. He would further submit that the main accused in this case have been arrested and released on bail. Further, the injured has been discharged from the hospital. There is no previous case pending against him. He would further submit that the petitioner is doing BSC, II year in SRM College, Ramapuram. Hence, he seeks for anticipatory bail.



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4. The learned Government Advocate (crl.side) would submit that the petitioner along with the other accused had assaulted the defacto complainant with the wood rod, resulting him in sustaining injuries. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail 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 XXIII Metropolitan Magistrate, Saidapet, Chennai** 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 and one of the sureties should be either father or mother of the petitioner to



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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 report before the respondent police **daily at 5.30 pm. until further orders.**

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed



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and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

08.09.2022

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