



Crl.O.P.No.21883 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 147, 148, 294(b), 341, 323, 324 and 506(ii) of IPC in Crime No.552 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had celebrated his friend's Birthday party at Tea Shop near A1 Cargo company and at that time, the petitioner along with 10 others in an inebriated condition came to that Tea Shop and quarrelled with the defacto complainant. After some time, the petitioner along with others waylaid the defacto complainant, abused him in filthy languages and also assaulted him with hands and stones and caused injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that when the petitioner had gone along with his friends consumed tea and at that time there was a quarrel, whereas a false complaint has been given as if



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the petitioner along with other accused assaulted the defacto complainant. He would further submit that the petitioner is 21 years old boy without any bad antecedents. Hence he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the defacto complainant had celebrated his friend's Birthday party at Tea Shop and at that time, the petitioner along with 10 others in an inebriated condition came to that Tea Shop and quarrelled with the defacto complainant, abused him in filthy languages and also assaulted him with hands and stones. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions of the learned Counsel and also of the fact the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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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, Thiruvottiyur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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 report before the respondent police daily twice at 10.30 a.m and 5.30 p.m., until further orders;

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



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[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 absconds, a fresh FIR can be registered under Section 229A IPC;

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