



Crl.O.P.No.23153 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 341, 294(b), 324, 307, 506(ii) of IPC in Crime No.216 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 waylaid the defacto complainant at the knife point and had assaulted him with hands and threatened him with dire consequences, resulting him in sustaining injuries. Hence, the case.

3. The learned counsel appearing 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 A1. He would further submit that even as per the FIR, A1 is stated to have inflicted injuries on the defacto complainant and as far as this petitioner is concerned, he has



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caught hold the hands of the defacto complainant and that the main accused in this case was arrested and released on bail by the lower Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that due to previous enmity, the petitioner along with the other accused had assaulted the defacto complainant with hands, due to which, he has sustained injuries. He has been treated as outpatient. The main accused in this case is arrested and released on bail. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 XVIII Metropolitan Magistrate Court**, on condition that the petitioner shall



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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 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 every day at 10.30 and 5.30 pm until further orders.

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

[f] the petitioner shall not abscond either during investigation or trial;

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[g] 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]***; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

23.09.2022

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