



Crl.O.P.No.22580 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 offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.186 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. On account of disposal of drainage water, there was a wordy quarrel and during the quarrel, the petitioner had abused the defacto complainant and assaulted him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was earlier granted anticipatory bail in Crl.M.P.No.2141 of 2021 dated 05.06.2021. He would further submit that due to his old age, the petitioner was unable to comply the condition and the order has been lapsed. Hence, he filed Crl.M.P.Sr.No.5996 of 2022 before the trial Court seeking for extension. Since the period has already been lapsed, the



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extension application was returned by the registry. Hence, the present petition has been filed before this Court.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was already granted anticipatory bail. He further submit that he failed to appear before the Court and comply the condition and thereby, the earlier order has lapsed. He would also submit that the injured has been discharged from the hospital. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is aged about 71 years, this Court is inclined to grant anticipatory bail to the petitioner 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



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from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Vellore 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 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;



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[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;

19.09.2022

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