



Crl.O.P.No.23065 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), 427 and 506(i) of IPC in Crime No.287 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused has misbehaved with the wife of the defacto complainant. When it was questioned by the defacto complainant, the accused had threatened him and due to intervention of the Villagers, he was saved. Thereafter, the accused has gone to the house of the defacto complainant and set fire to the motorcycle of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the defacto complainant suspected that there was a relationship between the petitioner and his wife and only on suspicion, a false complaint has been given against him. He would further submit that without prejudice the petitioner is prepared to deposit a sum of Rs.2,000/- towards the damage



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caused to the motorcycle. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has misbehaved with the wife of the defacto complainant and the same was questioned by the defacto complainant, the petitioner had assaulted him and also set fire to the motorcycle of the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of Rs.2,000/- (Rupees Two Thousand only) **to the credit of Crime No.287 of 2022** and on such deposit and on receipt of proof of payment, the petitioner is ordered to be



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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.II, Thirupathur, 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;



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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;

22.09.2022

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