



Crl.O.P.No.23223 of 2022

Crl.O.P.No.23223 of 2022

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), Section 324, 506(ii) of IPC in Crime No.314 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the during a quarrel in TASMACH shop, the petitioner along with the other accused had intimidated, abused and assaulted the defacto complainant with wooden log, due to which, he had sustained injuries. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would further submit that in fact the defacto complainant had brutally assaulted the petitioner, due to which, he had sustained injuries and that A1 in this case has been arrested and enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.23223 of 2022

WEB COPY

4. The learned Government Advocate (Crl.side) would submit that the due to a quarrel, the petitioner along with the other accused had assaulted the defacto complainant. He would further submit that A1 in this case has been arrested and released on bail and that there is no previous case pending against the petitioner. The injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and submission made by the learned counsel and also taking note of the fact that there is no previous case pending against the petitioner and the injured has been discharged from the hospital, 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 Judicial Magistrate, Sirkali** on condition that the petitioner shall



Crl.O.P.No.23223 of 2022

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 am 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;

A.D.JAGADISH CHANDIRA.J.



Crl.O.P.No.23223 of 2022

shk

WEB COPY

[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.

26.09.2022

shk

Crl.O.P.No.23223 of 2022