



Crl.O.P.No.23540 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.70 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, when the defacto complainant was prepared briyani for sale, at that time, the petitioner with inebriated mood demanded briyani without paying money, for which, the defacto complainant replied that some dues were pending and therefore he refused to give food to the petitioner. Further, the petitioner abused the defacto complainant with filthy language and assaulted him with knife on his right hand finger and ankle and caused injuries and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent persons and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.23540 of 2022

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is a History Sheeter (H.S.No.470 of 2022) and he has three previous cases. In earlier occasions, this Court had dismissed the anticipatory bail petition filed by the petitioner in Crl.O.P.15352 of 2022 and Crl.O.P.No.17046 of 2022 dated 04.07.2022 and 21.07.2022 respectively. Hence, he opposed to grant anticipatory bail to the petitioner.

5. It is seen that though this Court had dismissed the anticipatory bail petition in earlier occasions, the respondent failed to secure the petitioner. Therefore, the custodial interrogation of the petitioner is not required.

6. Considering the above fact and circumstances of the case and custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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Crl.O.P.No.23540 of 2022

7. 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 is made ready, before the learned Judicial Magistrate No.I, Mettur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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 daily Morning at 10.30 a.m. and Evening at 5.30. p.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.



CrI.O.P.No.23540 of 2022

[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.

28.09.2022

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Crl.O.P.No.23540 of 2022

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Lpp

Crl.O.P.No.23540 of 2022

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