



Crl.O.P.No.23478 of 2022

WEB COPY

Crl.O.P.No.23478 of 2022

A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC, in Crime No.793 of 2022, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are belonging to the very same political party, holding respective posts at District level. Due to previous political enmity between them, the petitioners along with other accused had abused the defacto complainant in filthy language and also attacked the defacto complainant with iron pipe, wooden sticks and pen knife on his left forearm and his fingers. Thereby, the defacto complainant sustained injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely



Crl.O.P.No.23478 of 2022

WEB COPY

implicated in this case. He would further submit that a counter case also lodged against the defacto complainant in Crime No.792 of 2022. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant and the petitioners are belonging to the same political party. Due to previous enmity between them, the petitioners abused the defacto complainant in filthy language and also attacked him with knife. He would further submit that the injured has been discharged from the hospital on 24.09.2022 and the petitioners also lodged counter case as against the defacto complainant in Crime No.792 of 2022. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;



Crl.O.P.No.23478 of 2022

WEB COPY

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court No.II, Cuddalore, Cuddalore District**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 stands dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m, for a period of four weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



Crl.O.P.No.23478 of 2022

WEB COPY

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

27.09.2022

ata



WEB COPY



CrI.O.P.No.23478 of 2022

A.D.JAGADISH CHANDIRA,J.

ata

CrI.O.P.No.23478 of 2022

27.09.2022