



Crl.O.P.No.26267 of 2022

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 324, 307, 506(ii) of IPC, in Crime No.28 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner and other accused persons assaulted the defacto complainant with knife and caused grievous injuries on his head, left hand and all over the body. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submitted that this is the third anticipatory bail petition filed by the petitioner. Earlier petitions filed by the petitioner was dismissed by this Court. He also submitted that the petitioner is ready and willing to abide by any stringent condition that may be imposed on him. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submits that there are totally 7 accused involved in this case, in which, the petitioner is arrayed as A2. The petitioner along with others assaulted the defacto complainant with knife and the victim is in coma stage. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Though this Court dismissed the earlier petitions filed by the petitioner on two occasions, the respondent failed to secure the petitioner so far. That apart, a perusal of FIR revealed that the petitioner is arrayed as A2. Even according to the defacto complainant, the petitioner has no specific overtact in the alleged crime. The investigation in Crime No.28 of 2022 is also pending.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 made ready, before the learned Judicial Magistrate, Uthukkotai, on condition that the petitioner shall execute a bond for



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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 at 10.30 a.m, and 05.30 p.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.

[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.

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