



Crl.O.P.No.23901 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 147, 148, 294(b), 324, 452, 506(ii) and 307 of IPC, in Crime No.485 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to election dispute, the petitioner along with the other accused formed into an unlawful assembly and assaulted the victim indiscriminately with Aruval causing multiple injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case due to election motive. He would also submit that even as per the prosecution, the petitioner was not present at the scene of occurrence, but on the representation by the respondent that the petitioner is the person,



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who had inflicted the injuries on the victim, this Court was pleased to dismiss the earlier application for anticipatory bail on 14.09.2022. However, the fact remains that the petitioner was not present at the scene of occurrence and he has been implicated only on the confession recorded from the other accused that the petitioner is the person, who has conspired to injure the victim. He would further submit that the other accused, who have been arrested, have been enlarged on bail and the petitioner has no previous case as against him. 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 during the earlier occurrence, on the instructions given that the petitioner was the person, who had inflicted the injuries on the victim, this Court was pleased to dismiss the anticipatory bail application. However, he would submit that during the course of investigation, it was found that the present petitioner was not present at the scene of occurrence. He would also state that though the petitioner was not present at the scene of occurrence, he is the main



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person, who has instigated the other accused to attack the victim.

Therefore, 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 and that the arrested accused have been enlarged on bail and the injured has been discharged from the hospital and also the fact that the petitioner was not present at the scene of occurrence and he has been implicated only based on the confession of the co-accused, 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 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 Court-II, Thiruvallur**, on condition that the petitioner shall execute a bond for **a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties** each for a like sum to



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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 stay at Tuticorn and report before the Inspector of Police, South Police Station, Tuticorn, 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



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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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