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Crl.O.P.No.23984 of 2022

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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), 307 and 506(ii) of IPC in Crime No.313 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1/1st petitioner herein had teased and humiliated the wife of the *de-facto* complainant and when it was questioned, the accused had assaulted the *de-facto* complainant resulting him sustaining injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the a false complaint has been given due to previous enmity. He would further submit that even as per the complaint, main allegations are only against the 1st petitioner. However, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that A1/1st petitioner had teased and humiliated the *de-facto* complainant and his wife. When it was questioned, A1 had taken knife from A2/2nd petitioner herein and assaulted the *de-facto* complainant resulting him in sustaining injuries and he was admitted in the hospital as inpatient. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Perused the First Information Report. Taking into consideration the allegations and the First Information Report, this Court is not inclined to grant anticipatory bail to the 1st petitioner. However, taking into consideration the allegations as against the 2nd petitioner, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone with certain conditions.

6. Accordingly, as far as the 1st petitioner is concerned, this petition is dismissed and as far as the 2nd petitioner is concerned, the 2nd



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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 – IV, Vellore**, 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 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 2nd 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 2nd petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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 abscond, a fresh FIR can be registered under Section 229A IPC.

26.10.2022

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