



Crl.O.P.No.24362 of 2022

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WEB C SATHI KUMAR SUKUMARA KURUP, J.

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the offences punishable under Sections 147, 148, 323, 324, 506(2) of IPC and Sections 3 and 4 of T.N.P.P.Act, in Crime No.614 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the Defacto complainant is that on 27.09.2022, when the Defacto complainant received the secret information from his friends that some persons were illegally excavated magnesite white stone from government land, the Defacto complainant and his friends rushed to the spot and on seeing them, the accused persons attacked the Defacto complainant, damaged his two wheeler and escaped from the scene of occurrence. Hence, the complaint.

3. The learned counsel appearing for the Petitioner submitted that the Petitioner is an innocent person and a false complaint has been foisted against him. He would submit that in fact the Defacto complainant has attacked the Petitioner on 27.09.2022 and on a complaint given by the petitioner, a case was



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registered in Crime No.613 of 2022 against the Defacto complainant. Hence,

he prays to grant anticipatory bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent submitted that the Petitioner were illegally excavated magnesite white stone from government land. He would further submit that the Petitioner had attacked the Defacto complainant and his two wheeler. He would further submit that the injured has been discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the Petitioner, this Court is inclined to grant anticipatory bail to the Petitioner.

6. Accordingly, the Petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only) before the Principal Sessions Judge, Salem,** within a period of four weeks from the date on which the order copy made ready, and on such deposit, the Petitioner is ordered to be released on bail in the event of arrest by the Respondent Police or the Police Officer,



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who intends to arrest or on the Petitioner surrenders before the learned Principal Sessions Judge, Salem, within a period of fifteen days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum/amount to the satisfaction of the learned Principal Sessions Judge, Salem. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioner surrenders and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

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