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Crl.O.P.No.24452 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 353, 307 & 506(2) of IPC, in Crime No.312 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 14.12.2018, while the petitioner was riding motor cycle, hit against the defacto complainant, who was also riding motor cycle resulting in a wordy quarrel. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and that he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the charge sheet has been filed in this case when the accused was absconding and a non bailable warrant is pending as against the



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petitioner herein. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner that the petitioner was in Kerala at the relevant point of time and he is not aware of the case registered against him. Also the submission of the learned Government Advocate (Crl.Side) that the charge sheet has been filed and taken on file by the learned Judicial Magistrate as P.R.C.No.25 of 2021, 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 by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioner surrenders before the learned Judicial Magistrate Court, Vedaranyam, 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, out of which one surety should be a blood related surety**, for a like sum/amount to the satisfaction of the learned Judicial Magistrate Court, Vedaranyam.



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(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) since, the investigation has not been completed, the petitioner is directed to cooperate with the committal proceedings and also the trial proceedings before the concerned Judge;

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

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



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(f) 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.

(g) 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;

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

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