



CRL.O.P.No.24536 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The Petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 352, and 506(i) of IPC, in Crime No.253 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioner procured large number of Indian Cylinder from the gas company for selling the same at higher profit in the market and when the same was questioned by the defacto complainant there was a altercation between both of them. As a result of which the petitioner attacked the defacto complainant and caused simple injuries to him. Hence the complaint.

3. The learned counsel for the Petitioners submitted that the Petitioner is an innocent person and 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) submitted that the petitioner abused the de-facto complainant in filthy language and assaulted him and caused simple injuries. However, he oppose to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and also the fact that the submissions made by either side, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions.

6. Accordingly, the Petitioners are 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 Petitioners surrender before the ***learned Judicial Magistrate No.I, Mettur***, 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) each with two sureties each for a like sum to the satisfaction of the ***learned Judicial Magistrate No.I, Mettur***. 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 Petitioners surrender 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 Petitioners shall report before the Respondent Police daily at 10.00 a.m., until further orders.



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

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

(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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