



Crl.O.P.No.24520 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, 506(ii) of IPC, in Crime No. Not Known of 2022, seeks anticipatory bail.

2. The case of the Prosecution is that there was a civil dispute between the Petitioner and De-facto Complainant with regard to the land situated at Melchettypatti Village. Due to the civil dispute, the Petitioner herein had abused the complainant in filthy language, assaulted the Defacto Complainant and also caused the life threat. Hence, the complaint.

3. The learned counsel for the Petitioner submitted that earlier, on 28.09.2022, while the Petitioner and one Boomadevi were working in the Petitioner's land, the Defacto Complainant along with two others came and assaulted the Petitioner with iron rod. Hence, the Petitioner had lodged a complaint and CSR No.277/2022 was assigned. As a counter blast, the



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defacto Complainant has lodged the above said complaint against the Petitioner. He further 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) submitted that injured has been discharged from the hospital and no previous case is pending against the Petitioner. However, he vehemently 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 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 District*



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Munsif-Cum-Judicial Magistrate, Thandarampattu, 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 each for a like sum to the satisfaction of the ***learned District Munsif-Cum-Judicial Magistrate, Thandarampattu***. 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;



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(d) the Petitioner 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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