



Crl.O.P.No.24506 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 294(b), 323, 324 and 506(2) of IPC, in Crime No.250 of 2022, seeks anticipatory bail.

2. Totally there are three accused in this case and the Petitioner herein is arrayed as A2. The case of the prosecution, as per the Defacto complainant is that on 19.09.2022, due to previous enmity, the Defacto complainant was attacked by A1 and on the instigation of A1, the Petitioner herein attacked the Defacto complainant with wooden log. 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) submitted that only on the instigation of A1, the petitioner herein was attacked the defacto complainant with wooden log thereby causing injury. He further submit that



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the victim has been discharged from the hospital. Hence, he opposed for the grant of 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 Judicial Magistrate No.II, Thirupathur, Thirupathur District, 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 Judicial Magistrate No.II, Thirupathur, Thirupathur District. 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



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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;

(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



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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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