



Crl.O.P.No.24796 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 341, 307, 506(2) I.P.C. in Crime No.652 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Yasmin is that due to previous enmity, the accused had taken her husband and attacked him indiscriminately using knife, resulting in him sustaining injuries. Hence the complaint.

3.Learned counsel appearing for the petitioner would submit that admittedly there is a previous enmity, due to which a false complaint has been given against the petitioner. He added that the main accused in this case has been arrested and enlarged on bail by the lower Court and the injured has been discharged from the hospital. He added that there is no specific overt act as if the petitioner has inflicted injuries and the name of the



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petitioner is also not found in the F.I.R.

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4.Learned Government Advocate (Crl.side) vehemently oppose, stating that the petitioner along with other accused due to previous enmity, attacked the defacto complainant's husband with knife indiscriminately. He added that the main accused in this case has been granted bail by the lower Court and the injured has been discharged from the hospital.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side). Perused the materials placed on record, including F.I.R.

6.Taking note of the facts and circumstances and the submissions of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from



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the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Tambaram, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**[b] the petitioner shall report before the respondent police every day at 10.30 a.m. until further orders.**

[c] the petitioner shall not tamper with evidence or 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 learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

14.10.2022

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