



Crl.O.P.No.25002 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 offences punishable under Sections 294(b), 324, 506(ii) of IPC in Crime No.239 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner abused the defacto complainant in filthy language and also attacked him with spade. Hence, the complaint.

3. The learned counsel for the petitioner submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that infact the defacto complainant has assaulted the petitioner and based on the complaint given by the petitioner, a counter case has also been registered against the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that due to previous enmity, the petitioner has abused and assaulted the de-facto complainant with spade and also threatened him with dire consequences. He would further submit that the injured has been discharged from the hospital and it is a counter case. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 the date on which the order copy made ready, before the **learned XIV Metropolitan Magistrate, Egmore** on condition that the petitioner shall execute a bond for 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



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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 his 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.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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



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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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.10.2022

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