



Crl.O.P.No.24962 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), 323, 307 and 506(ii) of IPC in Crime No.184 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Dinesh Kumar is that on 10.09.2022, in the mid-night while he was speaking over phone he had seen one Akash going in a two wheeler along with a girl. Later at about 00.45 hrs, when he was standing in the same place, the accused had returned along with his brother one Ajay and questioned him why he had teased their sister and assaulted him with knife resulting him sustaining injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was returning home along with his sister after attending family function. At that time, the *de-facto* complainant and his friends have teased the sister of the petitioner and there was wordy quarrel and the



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incident had happened. At that time, during such aggression, the *de-facto* complainant and his friends have also assaulted the petitioner and the main accused. He would further submit that the main accused has been arrest and as per the First Information Report, the main accused have inflicted the injuries on the *de-facto* complainant with knife. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the main accused along with his brother/petitioner herein had assaulted the *de-facto* complainant with knife resulting him in sustaining injuries. He would further submit that the injured has been discharged from the hospital and the arrested main accused is still in prison. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Perused the First Information Report. Taking into consideration the fact that the allegations are only against the main accused, this Court is inclined to grant anticipatory bail



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to the petitioner with certain conditions.

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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 Judicial Magistrate No.1, Vellore, Vellore District**, 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 everyday at 10.30 a.m., until further orders.



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[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.

[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]**.

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

26.10.2022

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