



Crl.O.P.No.25221 of 2022

A.D.JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Sections 294(b), 323, 324, 506(ii) and 307 IPC in Crime No.360 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners have assaulted the defacto complainant with wooden log resulting him in sustaining injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that it is a case and case in counter, on the complaint given by the petitioners a case in Cr.No.361 of 2022 was registered against the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl. side) appearing for the respondent police submit that case and counter case has been registered. The second petitioner is a habitual offender against whom three previous case



(Cr.Nos.309 and 310 of 2021 and 271 of 2022) are pending, out of which two of them are similar in nature. No previous case is pending against the first petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is not inclined to grant anticipatory bail to the second petitioner and this Court is inclined to grant anticipatory bail to the first petitioner subject to the following conditions :

6. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the District Munsif-cum-Judicial Magistrate, Uthukottai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 first petitioner and the sureties shall affix their photographs and

<https://www.mhcln.org/> 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 first petitioner shall report before the respondent Police daily at 10.30am., for a period of two weeks and thereafter on every Saturday at 10.30am., until further orders.

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

26.10.2022

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