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Crl.O.P.No.26127 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, 332, 427 and 506(ii) of IPC in Crime No.150 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had assaulted a mentally retarded person and when it was questioned by the Police, they are all abused, assaulted and intimidated the Police. Hence the complaint.

3.The learned counsel for the petitioner would submit that the alleged mentally retarded person had attacked the defacto complainant, at that time the petitioner without knowing that the person is a mentally retarded person, had a quarrel with him whereas the police has registered a false complaint against the petitioner. He would further submit that the co-accused was granted anticipatory bail by this Court in



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Cr.O.P.No.25310 of 2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.side) appearing for the respondent would submit that the petitioner along with other accused had assaulted a mentally retarded person and the same was questioned by the Police, they are all abused, assaulted and intimidated the Police. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the 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 Judicial Magistrate, Vanur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with



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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 daily twice at 10.30 a.m and 5.30 p.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.

[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]**.



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

28.10.2022

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