



Crl.O.P.No.26649 of 2022

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A.D.JAGADISH CHANDIRA.J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 307, 506(ii) of IPC in Crime No.869 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Gopi is that due to previous enmity, the named accused and 10 others have waylaid the defacto complainant, abused him and also assaulted him with knife, resulting in him sustaining injuries on the forehead. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would submit that the name of the petitioners does not find place in the FIR. He would further submit that the defacto complainant has taken treatment only as out patient. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner along with other accused had waylaid the defacto complainant, abused him and also assaulted him with knife, resulting in him sustaining injuries on the forehead. He would further submit that the victim has treated as out patient in the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and also of the submissions made by the learned counsel, 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 No.II, Pooneri**, 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



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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 and 5.30 p.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;

[h] if the accused thereafter absconds, a fresh FIR



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can be registered under Section 229-A IPC.

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