



Crl.O.P.No.26802 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 offence punishable under Sections 294(b), 324 and 506(ii) of IPC in Crime No.303 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. On account of stagnation of drainage water, a wordy quarrel between them and during the quarrel, the petitioner had abused the defacto complainant and assaulted him with iron pipe. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He would further submit that the injured has been discharged from the hospital. 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 due to enmity on account of stagnation of drainage water, the petitioner has abused the defacto complainant with filthy language and also assaulted him with iron pipe. He would further submit that the injured has been discharged from the hospital and there is one previous pending against the petitioner. Thereby, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that a previous case pending as against the petitioner has already been disposed of and as of now, there is no case pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in



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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.VI, Salem on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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 at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 a.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;



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[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;

04.11.2022

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