



Crl.O.P.No.27098 of 2022

Crl.O.P.No.27098 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 324, 294(b) and 506(ii) of IPC in Crime No.441 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused have abused the defacto complainant and his brothers in filthy language, threatened them and also assaulted them with iron rod and wooden log. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged offence. He would further submit that it is a case and case in counter. He would also submit that the co-accused in this case has already been enlarged on bail in Crl.M.P.No.5368 of 2022 by the learned Judicial Magistrate No.II, Poonamallee. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.27098 of 2022

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to previous enmity, the petitioner and the defacto complainant have abused and assaulted each other. He would further submit that the injured has been discharged from the hospital and it is a counter case. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials available on record.

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 the event of arrest or on his appearance, within a period of fifteen days



Crl.O.P.No.27098 of 2022

from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Poonamallee 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 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;



WEB COPY



Crl.O.P.No.27098 of 2022

[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;

vkrr

16.11.2022



WEB COPY



Crl.O.P.No.27098 of 2022

A.D.JAGADISH CHANDIRA, J.

vkrr

Crl.O.P.No.27098 of 2022

16.11.2022