



Crl.O.P.No.27860 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 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC in Crime No.610 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that during a quarrel while having food in a pushcart eatery, the petitioner along with other accused have assaulted the *de-facto* complainant with bucket, resulting him in sustaining injuries. Hence, the case.

3. The learned counsel for the petitioner would submit that this is the second petition filed seeking for anticipatory bail. The earlier petition in Crl.O.P.No.24691 of 2022 was dismissed on 19.10.2022 on the ground that the *de-facto* complainant had sustained injuries on the face and that the arrested accused were still in custody. He would also submit that the arrested accused have been released on bail and the injured has also been discharged from the hospital. As far as the petitioner is concerned, he is



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stated to have assaulted the *de-facto* complainant with hands and the other accused were the persons, who assaulted with wooden logs and bucket. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that during a quarrel, the petitioner along with other accused indiscriminately assaulted the *de-facto* complainant with hands, wooden log, resulting him in sustaining injuries. However, he would submit that the accused have been arrested and enlarged on bail and the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels and perused the materials available on record including the FIR. Taking into consideration the facts and circumstances of the case and also the allegations made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 I Judicial Magistrate at Thiruvottiyur**, 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 everyday 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.



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[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.

15.11.2022

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