



Crl.O.P.No.28651 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), 323 324, 506(ii) of IPC in Crime No.201 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Duraisamy is that the petitioner in an inebriated condition had picked up a quarrel with the defacto complainant, during the quarrel, the petitioner had abused him in filthy language and also assaulted him with a beer bottle. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that infact the defacto complainant has assaulted the petitioner and based on the complaint given by the petitioner, a counter case has also been registered against the defacto complainant in Crime No.202 of 2022. Therefore, he



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prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner in an inebriated condition had picked up a quarrel with the defacto complainant, during the quarrel, the petitioner had abused him in filthy language and also assaulted him beer bottle. He would further submit that the injured has been discharged from the hospital and it is a counter case. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also of the fact that it is a case and a case in counter, 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 District Munsif cum Judicial Magistrate, Yercaud** on condition that



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the petitioner shall execute a bond for 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 his 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., for a period of one week and thereafter as and when required for interrogation.

[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



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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.

22.11.2022

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